ANNO REGNI

CAROLI REGIS,

ANGLIÆ, SCOTIÆ,

FRANCIÆ, ET HIBERNIÆ,

Decimo & Vndecimo.

At the Parliament begun and holden at *Dublin*, the 14. day of Iuly, in the tenth yeare of the Raigne of our moſt gracious Soveraigne Lord, CHARLES *by the grace of God, of England, Scotland, France, and Ireland King, Defender of the faith, &c.*

And there continued untill the 28. day of Aprill, 1635.

To the high pleaſure of Almighty God, and to the weale publique of this Realme, Were enacted as followeth.

TRIN. COLL. DUBLIN BRADSHAW COLL.

DUBLIN,
Printed by the Society of Stationers.
M. DC. XXXV.

08-1710

¶ The Table of the Statutes Printed.

Statutes confirmed in the first Sessions.

1. AN act for the Grant of Foure entire Subsidies by the Temporaltie. Chap. 1.

2. An act for the further granting of Two entire Subsidies by the Temporaltie, above the Foure Subsidies, now granted by this present Parliament. Chap. 2.

3. An act for confirming of Letters Pattents, hereafter to be past upon his Majesties Commission of Grace, for the remedy of Defective Titles. Chap. 3.

Statutes confirmed in the second Session.

1. AN act expressing an order for Vses, Wills, and Enrollments. Chap. 1.

2. An act how lands, tenements, &c. may be disposed by will, or otherwise. and concerning Wards, and primer seizin. *fol.* 10. chap. 2.

3. An act against Covenous, and Fraudulent Conveyances. *fol.* 22. chap. 3.

4. An act concerning Grantees of Reversions, to take advantage of Breaches of conditions &c. *fol.* 28. chap. 4.

5. An act for the Recovery of Arrerages of Rents by Executors of Tenants in Fee simple. *fol.* 30. chap. 5.

6. An act for limitation of actions, & for avoyding of Suites in Law. *fol.*31. chap.6.

7. An act that wrongfull diſſeizin &c. is no diſcent in Law. *fol.*38.chap.7.

8. An act for the expoſition of the ſtatute of Fines.*fol.*39.ch.8.

9. An act touching Proclamations upon Fines. *fol.*41.chap.9.

10. An act for reformation of errors in Fines and Recoveries. *fol.*42. chap.10.

11. An act for expedition of Iuſtices, in caſes of Demurrers,&c. *fol.*44.chap.11.

12. An act for reformation of Ieofailes,&c. *fol.*45.chap.12.

13. An act concerning the appearance of the Iurors in the *niſi prius*. *fol.*47. chap.13.

14. An act for the continuance of actions after the death of any King &c. *fol.*51. chap.14.

15. An act,that like proceſſe ſhall be had in every Writ of annuitie, and certaine other actions, as in an action of debt. *fol.*54. chap.15.

16. An act for eaſe in pleading,againſt troubleſome and contentious ſuites,proſecuted againſt Sheriffs, Iuſtices of peace, Mayors,Conſtables,and certaine other officers,for the lawfull execution of their office. *fol.*54. chap.16.

17. An act,that where the Plaintiffe is Non-ſuite, the Defendant ſhall recover coſtes. *fol.*56. chap.17.

18. An act,appointing an order to Iuſtices of peace, touching the bailement,committing,and taking examination of priſoners,&c. *fol.*57. chap.18.

19. An act for the tryall of Murthers and Fellonies, committed in ſeverall Counties,&c. *fol.*60. chap.19.

20. An act for the puniſhmẽt of the vice of Buggery.*fo.*63.c.20

21. An act for the reſtrayning all perſons from Marriage,until their former wives;& former husbands be dead,*fo.*64.ch.21.

22. An act againſt Vſurie. *fol.* 65. chap.22.

23. An act to avoyde and prevent diverſe miſdemeanours in idle and lewd perſons, in barking of Trees &c. *fo.* 66. ch. 23.

24. An act for the better preſervation of fiſhing in the Counties of Dublin, Wicklow, Wexford, Waterford, Corke, Kerry, Clare, Gallway, Mayo, Sligo, and all other Counties and places in the Realme of Ireland, and the Dominions thereof, adjoyning to the Sea coaſt, and for the reliefe of Balkors, Condors, & Fiſher-men, againſt malicious ſuits *fo.* 68. ch. 24.

25. An act for the impounding of Diſtreſſes. *fol.* 70. chap. 25.

26. An act concerning the repayring and amending of Bridges, Cauſeyes, & Toghers on the high-wayes. *fol.* 71. cha. 26.

Statutes confirmed in the third Seſsion.

1. AN act for maintenance and execution of Pious Vſes. *fol.* 74. chap. 1.

2. An explanation of a Statute made in a Seſsion of this preſent Parliament, intituled, an Act for confirmation of Letters Pattents, hereafter to be paſſed upon his Majeſties commiſsion of Grace, for the remedie of Defective Titles. *fol.* 75. chap. 2.

3. An act for ſecuring of the eſtates of the Vnder-takers, Servitors, Natives, and others, holding, Lands, Tenements, or Hereditaments, in all and every the Plantations, made by our late Soveraigne Lady Queene ELIZABETH, or by our late moſt gracious Lord King IAMES, or the Kings moſt excellent Majeſtie that now is, in the ſeverall Counties of Waterford, Corke, Limericke, Kerry, Tipperary, Wexford, Wicklow, Kings Countie, Queenes Countie, Weſtmeath, Leitrim, Longford, Tyrone, Ardmagh, Donegall, Fermanagh, Cavan, and London-Derry. *fol.* 78. chap. 3.

4. An act for the Naturalization of all the Scottiſh Nation, which were *Antenati*, borne before his late Majeſtie, King IAMES of ever bleſſed memory, his happy acceſſe unto the Crowne of England, and Ireland, &c. *fol.* 82. chap. 4.

5. An act for confirmation of Leaſes, made by the Lord

Primate,and other Biſhops in Vlſter. *fol.*84. chap.5.

6. An act,that Leſſees ſhall enjoy their Farmes againſt Tennants in Tayle,or in right of their Wives,&c.*fol.*86.chap.6.

7. An act for contentatiō of debts upon execution. *fo.*88.ch.7

8. An act for to avoyde unneceſſary delayes of Execution. *fol.*90. chap.8.

9. An act for reliefe of Creditors againſt ſuch perſons as dye in Execution. *fol.*91. chap.9.

10. An act againſt the fraudulent adminiſtration of Inteſtates Goods. *fol.*92. chap.10.

11. An act for the avoyding of Recoveryes, ſuffered by colluſion, by Tennants, for Tearme of life, and ſuch others. *fol.*93. chap.11.

12. An act for the avoyding of ſecret Summons in Reall actions. *fol.*94 chap.12.

13. An act for the explanation of the Statute *Anno Octavo* of *Henry* the ſixt, concerning forcible Entries, and to enable certaine Iudges, and Iuſtices, to give reſtitution of poſſeſſion in certaine caſes. *fol.*95. chap.13.

14. An act againſt the killing of young Spawne, or Frye of Eeles and Salmon. *fol.*96. chap.14.

15. An act againſt Maintenance, Embracery,&c. and againſt unlawfull buying of Titles. *fol.*98. chap.15.

16. An act concerning Women convicted of ſmall Felonies. *fol.*100. chap.16.

17. An act for the puniſhment of ſuch, as ſhall take away Maydens that be Inheritors,being within the age of ſixteen yeares, or marry them without the conſent of their Parents. *fol.*101. chap.17.

18. An act for the ſwearing of Vnder-ſheriffes,and other Officers. *fol.*103. chap.18.

19. An act to prevent extortion in Sheriffes, Vnder-ſheriffes, and Bayliffes of Franchiſes,and Liberties,in caſes of Execution. *fol.*105. chap.19.

20. An act againſt ſuch as ſhall levye any Fine, ſuffer any Recovery, knowledge any Statute, Recognizance, Baile, or Iudgment, in the name of any other perſon or perſons, not being privy, and conſenting thereto. *fol.*106.chap.20.

21. An act wherby certaine of the Nobility of this Kingdome of Ireland, dwelling within England, or elſewhere, out of this Realme, are made lyable unto certaine charges within this Kingdome. *fol.*107.chap.21.

22. An act to repeale a Statute made in the 12. yeare of King *Edward* the 4. concerning bringing of Bowes into this Realme. *fol.*108. chap.22.

An act from the granting of Eight entire Subſidies by the Prelates, and Clergie of Ireland.

Statutes confirmed in the fourth Seſsion.

1. AN act to prevent and reforme prophane Swearing and Curſing &c. *fol.*109. chap.1.

2. An act to inable reſtitution of Impropriations, & Tithes, & other Rights Eccleſiaſticall to the Clergie, with a reſtraint of aliening the ſame: and directions for Preſentations to the Churches. *fol.*110. chap.2.

3. An act for preſervation of the Inheritance, Rights, & profits of Lands belonging to the Church, and perſons Eccleſiaſticall. *fol.*116.chap.3.

4. An act for the erecting of Houſes of Correction, & for the puniſhment of Rogues, Vagabonds, ſturdy Beggars, and other lewde and idle perſons. *fol.*119. chap.4.

5. An act for keepers of Ale-houſes, to be bound by Recognizance. *fol.*125. chap.5.

6. An act for repeale of divers Statutes heretofore enacted in this Kingdome of Ireland. *fol.*129.chap.6.

7. An act of explanation of a Statute made in this Realme, in the 18. yeare of the raigne of the late King *Edward* the 4. intituled, an act whereby diſtreſſes taken for rent, may bee ſolde. *fol.*130.chap.7.

8. An act to give coſts to the Defendant, upon a Non-ſuite of the

the Plaintiffe, or a verdict againſt him. *fol.*132.chap.8.

9. An act for the limiting of peremptory challenges, in caſes of Treaſons and Felonies &c. *fol.*133,chap.9.

10. An act to prevent & puniſh the abuſes in procuring Proceſſe & Super-ſedeas of the Peace, & good behavior, out of his Maieſties Courts of Chancery, & Kings Bench, and to prevent abuſes in procuring Writs of *Certiorari* &c. *ib.*ch.10

11. An act for the eaſe of the Subiect concerning Information upon penall Statutes. *fol.*136.chap.11.

12. An act for new Executions, to be ſued againſt any, which hereafter ſhalbe delivered out of Execution, by priviledge of Parliament. *fol.*139.chap.12.

13. An act for the following of Hue & Crye. *ibid.* chap. 13.

14. An act concerning Errors in Records of Attaindor of high Treaſon and Felony. *fol.*144. chap.14.

15. An act againſt ploughing by the Tayle, and pulling the Wooll off living Sheepe. *ibid.* chap.15.

16. An act for the ſuppreſſing of Coſherers, and idle Wanderers. *fol.*145.chap.16.

17. An act to prevent the unprofitable cuſtome of burning of Corne in the Straw. *fol.*146. chap.17.

18. An act reſtraining the abuſive taking and diſtrayning for Herriots. *fol.*148. chap.18.

An act for the Kings moſt Gracious, Generall, and Free Pardon.

The Statutes not printed.

Seſſ. I. An Act that this Seſſion of Parliament ſhall not determine by his Maieſties Royall aſſent to ſome Bills.

Seſſ. III. An Act for the Naturalization of the Lady, and Children of Sir *William Saint-Leger* Knight, Lord Preſident of Mounſter.

An Act for the Naturalizing of *Iames Frye*, and *Iames Battier* Eſquiers.

An Act for the Naturalizing of *Iohn Wentworth* Eſquier, and *Thomas Wentworth* Gentleman.

Seſſ. IV. An Act for the Naturalizing of the Children of Collonell *Thomas Preſton.*

Statuta, Ordinationes,

Actus & Proviſiones edita in quodam Parliamento Illuſtriſſimi ac Invictiſſimi Principis Domini noſtri CAROLI Dei gratiâ *Angliæ, Scotiæ, Franciæ,* & *Hiberniæ* Regis, fidei defenſoris, &c. Virtute Commiſsionis & mandati dicti Domini Regis ſub magno ſigillo ſuo *Angliæ* apud Caſtrum *Dublin* die Lunæ viz. decimo quarto die Iulij, anno regni dicti Domini Regis *Angliæ, Scotiæ, Franciæ,* & *Hiberniæ* decimo: Coram prędilecto & fideli Conſiliario ſuo *Thoma* Vicecomite *Wentworth*, Barone de *Wentworth-Woodhouſe*, Domino *Newmarſh* & *Oneſby*, Domino Prędidente Conſilij dicti Domini Regis ſtabiliti in Boreali parte *Angliæ*, Domino locum tenente Comitatus *Eborum*, uno de privato Conſilio dicti Domini Regis in *Anglia*: Deputato ſuo generali Regni ſui *Hiberniæ*, tento & ibidem continuato uſque ad ſecundum diem Auguſti tunc proximè ſequentis, & ibidem prorogatum abinde uſque ad quartum diem Novembris tunc proximè ſequentis.

DIEV ET MON DROIT

¶ AN ACT FOR THE GRANT OF FOVRE INTIRE SVBSIDIES BY THE *TEMPORALTIE.*

MOst gracious Soueraigne, wee your Maiesties most humble and loyall Subiects of your Highnes Realme of Ireland, the Commons in your High Court of Parliament now assembled, euer calling to minde, and rightly considering the vast and almost infinite expence of Men, Money, Victualls and Armes, sent out of England hither by your late and Royall Progenitors, for reducing this Kingdome into that happie condition wherein it now standeth: the manifold blessings which haue beene continued vnto vs since the accession of your sacred person to the Crowne, your sincerely Iustice so graciously and clearely dispensed to all the parts, and to all sorts of people within this your Dominion, together with sundry other weighty and pressing occasions, which at this time require a greater expence of treasure then your owne ordinary reuenue from hence can supply: In a most thankfull remembrance of the times past, and due acknowledgement and consideration of your Maiesties present goodnes thus plentifully expressed in your tender care of the welfare of vs your people, and the tranquillitie and manifold happines we partake vnder the safeguard of your Maiesties great wisedome and power, doe according as by all reason of Nature and Conscience wee are fully bound: Humbly present your Maiestie with a free and thankefull gift of Foure entire Subsidies, each Subsidie to be payd at two payments, the first payment to be made within six moneths next ensuing the first day of this present Session of parliament, and so alike payment at the end of euery ensuing six moneths, vntill the whole be payde. And therefore wee humbly beseech your Maiestie it may be enacted, and be it enacted by your most excellent Maiestie, the Lords Spirituall and Temporall, and Commons in this present Parliament assembled, and by authoritie of the same, that your Maiestie, your Heires and Successors shall haue, receiue and enioy, foure entire Subsidies to be rated, tared and levyed of euery person, Spirituall & Temporall, of

what eſtate or degree hee or they be, according to the tenor of this Act, in manner and forme following.

That is to ſay, aſwell that euery perſon borne within this Realme, or other your Maieſties Dominions, as all and euery Fraternity, Guild, Corporation, Myſterie, Brotherhood, or Commonalty, corporated or not corporated, within this Realme or other your Maieſties Dominions, being worth three pounds, for euery pound, aſwell in Coyne, and the value of euery pound that euery ſuch perſon, Fraternitie, Guild, Corporation, Myſterie, Brotherhood & Commonaltie, corporate or not corporate, hath of his or their owne, or any other to his or their vſe, as alſo Plate, ſtock of Merchandize, all manner of corne and graine, houſhold ſtuffe, and all other goods moueable, aſwell within this Realme, as without, and of all ſuch ſummes of money as to him or them is or ſhall be owing, whereof he or they truſt in his or their conſcience ſurely to be payde, except and out of the premiſſes deducted ſuch ſummes of money as he or they owe, & in his or their conſciences intend truly to pay, and except alſo the apparell of euery ſuch perſon, their wiues and childzen, belonging to their own bodies, ſauing Jewels, gold, ſiluer, ſtone and pearle, ſhall pay to and for euery of the ſaid Subſidies in two ſeuerall payments, two ſhillings eight pence of euery pound, that is to ſay, 16.d. of euery pound, at euery of the ſaid payments. And alſo euery alien and ſtranger, borne out of the Kings obeiſance, aſwell Denizen as others inhabiting within this Realme, of euery pound that hee or they ſhall haue in Coyne, and the value of euery pound in Plate, Corne, Graine, Merchandize, Houſhold-ſtuffe, or other goods, Jewells, Chattels moueable or vnmoueable (as is aforeſaid) aſwell within this Realme as without, and of all ſummes of money to him or them owing, whereof he or they truſt in his or their conſcience to be payde, except and out of the ſame premiſſes deducted euery ſuch ſummes of money, which he or they doe owe, and in his or their conſcience or conſciences intend truly to pay, ſhall pay to and for euery of the ſaid Subſidies in two ſeueral paiments, fiue ſhillings and foure pence of euery pound: That is to ſay, two ſhillings eight pence of euery pound, at euery of the ſaid payments: And alſo that euery Alien and Stranger, borne out of your Maieſties Dominions, being Denizens or not Denizens, not being contributarie to any the Rates aforeſaid, and being of the age of ſeuen yeeres or aboue, ſhall pay to and for euery of the ſaid Subſidies, eight pence for euery Poll at two ſeuerall payments: that is to ſay foure pence for euery Poll, at euery of the ſaid payments: And the Maſter or he or ſhe with whom the ſaid Alien is, or ſhall bee abiding at the time of the taxation or taxations thereof, to be charged with the ſame, for lacke of payment thereof. And bee it further enacted by the authoritie aforeſaid, that euery perſon borne vnder your Maieſties obeyſance, and euery Corporation, Fraternitie,

Guild,

Guild, Mysteric, Brotherhood and Commonaltie, corporat or not corporat, for euery pound that euery of the said persons, and euery Corporation, Fraternitie, Guild, Mysterie, Brotherhood & Commonaltie, corporate or not corporate, or any other to his or their vse, hath or haue in Fee simple, Fee Tayle or terme of life, terme of yeeres by execution, wardship or by coppy of Court roll, of and in any Honors, Castles, Mannors, Lands, Tenements, Rents, Seruices, Hereditaments, Annuities, Fees, Corodies, or other yearely profits of the yearely value of xx.s. aswell within ancient demeane and other places priuiledged as elsewhere, and so vpward, shall pay to and for euery of the said Subsidies, at two seuerall payments, foure shillings or and for euery pound: & euery alien Denizen, or not Denizen, borne out of your Maiesties obeysance, in such case to pay to and for euery of the said Subsidies at two seuerall equall payments, eight shill. of euery pound: And that all summes to be presented and chargeable by this Act either for goods and debts, or for either of them, or for lands & tenements and other the premisses as is in this Act contained, shalbe at euery of the said payments set and taxed after the rate and proportion according to the true meaning of this Act, lands & tenements chargeable to the twentieth part of the Clergie, and yearly wages due to Seruants, for their yearely seruice, other then the Kings Seruants taking yearely wages of fiue pounds or aboue, onely excepted & fore-prised. And that all Plate, Coyne, Jewels, goods, debts, and Chattles personals, and all lands, tenements, and other the premisses as aforesaid, being in the rule and custodie of any person or persons, to the vse of any Corporation, Fraternitie, Guild, Mysteric, Brotherhood, or any Commonaltie being Corporate or not Corporate, bee and shalbe rated, set and charged by reason of this Act at the value to be certified by the Presenters in their certificate of euery pound in goods and debts, as is aboue-said: And for euery pound in Lands, Tenements, Annuities, Fees, Corodies, and other yearely profits, as is aforesaid. And the summes that are aboue rehearsed, set and taxed, to be levied & taken of them that shall haue such goods in custodie or otherwise charged for lands as is afore expressed. And the same person or persons and boddies Corporate, by authoritie of this Act, shalbee discharged against him or them, that shall or ought to haue the same at the time of the payment or deliuery thereof, or at his otherwise departure from the custodie or possession of the same, except and alwayes fore-prised from the charge and assessment of the said Subsidies, all goods, Chattles, Jewels, and ornaments of Churches, or Chappels, which haue beene ordained and vsed in Churches or Chappels, for the honour and seruice of Almightie God, and the summes aforesaid of and for the said Subsidies shal be taxed, set, asked, and demaunded, taken, gathered, levyed, & paid to the vse of your sacred Maiestie, your Heires and Successors in

foꝛme afoꝛeſaid, aſwell within Liberties, Franchiſes, Sanctuaries, ancient Demeaſnes, and others whatſoeuer places, exempt oꝛ not exempt as without, any grant, charter, pꝛeſcription, vſe, liberty, oꝛ freedome by any Letters Patents, oꝛ other pꝛiuiledge, pꝛeſcription, allowance of the ſame, oꝛ whatſoeuer other matter oꝛ diſcharge to the contrary, heeretofoꝛe made, vſed, granted, oꝛ obteined notwithſtanding. And bee it further enacted by the authoꝛitie of this pꝛeſent Parliament: that euery ſuch perſon aſwell ſuch as bee boꝛne vnder your Maieſties obeyſance as euery other perſon Stranger boꝛne, Denizen oꝛ not Denizen inhabiting within this Realme, oꝛ elſewhere, which at the time of the ſame aſſeſſings oꝛ taxations, oꝛ of euery oꝛ any of them to bee had oꝛ made, ſhall bee out of this Realme, and haue goods, chattles, Lands oꝛ Tenements, Fees oꝛ Annuities, oꝛ other pꝛofits within this Realme ſhalbe charged oꝛ chargeable foꝛ the ſame by the certificate of the Inhabitants of the place where ſuch Goods, Chattles, Lands, Tenements, oꝛ other the pꝛemiſſes, then ſhall be, oꝛ in ſuch other place where ſuch perſon oꝛ perſons, oꝛ his oꝛ their Factors, Deputy oꝛ Atturney ſhall haue his oꝛ their moſt reſoꝛt vnto within this Realme in like manner as if the ſaid perſon were oꝛ had bin at the time of the ſaid aſſeſſing within this Realme. And that euery perſon abiding oꝛ dwelling within this Realme oꝛ without this Realme, ſhall be charged oꝛ chargeable to the ſaid ſeuerall Subſidies granted by this Act, accoꝛding and after the rate of ſuch yeaꝛely ſubſtance oꝛ value of lands, oꝛ tenements, goods, chattles, oꝛ other the pꝛemiſſes, as euery oꝛ any perſon ſo to be charged ſhalbe ſet at, at the time of the ſaid aſſeſſing oꝛ taxation vpon him to be made, and no otheꝛwiſe. And bee it further enacted by the Authoꝛitie afoꝛeſaid, that foꝛ the ſeuerall aſſeſſings and oꝛdering of the ſaid ſeuerall Subſidies to be duely had, the Lord Deputie oꝛ other chiefe Gouernour of this Realme foꝛ the time being, with the aduiſe of the Lord Chancellour, the Vice-Treaſurer, the Lord Chiefe Juſtice of his Maieſties Chiefe place, the Lord Chiefe Juſtice of his Maieſties Court of Common pleas, the Lord Chiefe Baron of his Maieſties Court of Exchequer, and the Maſter of the Rolls foꝛ the time being, oꝛ any two oꝛ moꝛe of them, ſhall oꝛ may name and appoint of and foꝛ euery Countie and Shire within this Realme, as alſo of and foꝛ euery Cittie and Towne being a Countie of it ſelfe, ſuch and ſo many perſons as they ſhall thinke conuenient to bee Commiſſioners of and in the ſaid ſeuerall Counties, Citties oꝛ Townes: and alſo the ſaid Lord Deputie oꝛ other Chiefe Gouernour, with the aduiſe afoꝛeſaid in like manner, may name and appoint of euery other ſuch Burrough and Towne Coꝛpoꝛate within this Realme as they ſhall think requiſite, ſix, fiue, foure, three oꝛ two of the head-officers and other honeſt inhabitants of euery of the ſaid Citties, Buꝛroughs and Townes Coꝛpoꝛate, accoꝛding to the number

number and multitude of the people being in the same: The which persons, if any such be thereunto named of the said Inhabitants of the said Burroughs and Townes Corporate, not being Counties of themselues, shalbe ioyned and put in as Commissioners with the persons named for euery such Countie or Counties as the said Burroughs and Townes corporate not being Counties, be set and haue their being, in which persons so named of and for the said Burroughs and Townes corporate, not being Counties by reason of their dwellings in the same, shall not take vpon them, nor none of them, to put any part of their commission in execution for the premises, out of the said Cities, Burroughs and Towns corporat wherein they be so named onely, nor to execute the said commission within the burrough or town corporat where they be so dwelling, but at such dayes & times as the said other cõmissioners for the same Shire or County shal therunto limit & appoint within the said Burrough or Town corporate, not being a Countie whereof they be so named, & not out of such Burrough or Towne, & in that manner to be ayding & assisting with the said other Commissioners in & for the good executing of the effect of the said commission vpon paine of euery of the said Commissioners so named for euery such Burrough & towne corporate, not being a Countie, to make such fine as the said other Commissioners in the commission of and for the same Shire or Countie so named, or three of them at the least, shall by their discretion set & certifie into your Maiesties Exchequer, there to bee levyed to the vse of your Maiestie in like manner as if such or like summes had bin set and rated vpon euery such person for the said Subsidies, the which Commissioners so named of and for the said Burroughs & towns not being Counties, & only put into the said commission by reason of their dwelling in the same, shall not haue any part or portion of the Fees and rewards of the Commissioners and their Clerks in this Act, afterwards specified and allowed: And the said Lord Chancellour of this Realme for time being, shall make & direct out of the court of the Chancery, vnder the great Seale, seuerall Commissions, that is to say, for euery Shire or Countie, & for each City, town and burrough, vnto such person and persõs as by his discretion or any of the other within afore named and appointed as is afore rehearsed shalbe thought sufficient for the selling & levying of euery payment of the said Subsidies in al Shires & places according to the true meaning of this Act, & to euery of the said Commissions ten Schedules containing in thẽ the tenure of this Act, shalbe affiled, by euery of which commissions, the Commissioners in euery such commission named according to this Act: And as many of them as shalbe appointed by the said seuerall commissiõs, shall haue full power & authority to put the effect of the same in execution, and that by the authority of this Act, after such commission to them directed, they may by their assents & agreements sever them-

themselues for the execution of their Commission in seuerall Baronies, Cantreds, Hundreds, Townes, Parishes, & other places within the limits of the said Commission, in such forme as to them shall seeme expedient to be ordered, & betweene them to be communed and agreed vpon according to the tenor and effect of the Commission to them therein directed. And be it also enacted by the authoritie of this present Parliament, that the Commissioners & euery of them which shall be named, limited & appointed according to this Act to be Commissioners in euery such Shire or County, Citty, Towne, Burrough, or any other place, and no other shall truly, effectually & diligently for their part execute the effect of this present Act, according to the tenor thereof in euery behalfe, and no otherwise by any other meanes without omission, fauor, dread, malice, or any other thing to be attempted or done by them, or any of them to the contrary thereof. And the said Commissioners, or as many of them as shalbe appointed by the said commission, and none other for the execution of the said commission & Act, shall for the taxation of euery payment of the said seuerall Subsidies by vertue of the commission deliuered vnto them in forme aforesaid, direct their seuerall or ioynt Precept or Precepts vnto eight, seuen, six, fiue, foure, three, or two, as for the number of the Inhabitants shalbe requisite, of the most substantiall, discreet and honest persons Inhabitants, to be named by the said Commissioners, or by as many of them as shalbe appointed by the said commission of & in the Baronies, Cantreds, Hundreds, Wards, Parishes, Townes, & other places as well within Liberties, Franchises, and places exempted, as without, within the limits of the Shires, Counties, Cities, Towns, Burroughs, & other places within the limits of their commission. And to the Constables, Sub-constables, Bayliffes, and other like Officers & Ministers of euery of the said Baronies, Cantreds, Hundreds, Townes, Wards, Parishes, & other places aforesaid as to the said Commissioners & euery number of them, or vnto three or two of them by their discretion in diuision shall seeme expedient straightly by the said precept or precepts, charging & commanding the said Inhabitants, Constables and other Officers aforesaid to whom any such precepts shalbe so directed, to appeare in their proper persons before the said Commissioners, or such number of them as they shall diuide themselues into, according to the tenor of the said commission, and certain dayes and places by the said Commissioners or any such number of them as is aforesaid, within Cities, Burroughs or Towns corporat, or without in any other places as is aforesaid, by their discretion to be limited thereunto to doe and accomplish all that to them on the part of your Maiestie shall bee enioyned touching this Act. Commanding further by euery such precept, that hee to whose hands such precept shall come, shall shew and deliuer the same to the other Inhabitants or Officers named in the same precept, &

that

that none of them faile to accomplish the same vpon paine of forty shillings to bee forfeited vnto your Maiestie. And it is further ordained by the authority of this present Parliament, that at the said day and place prefixed and limited in the said precept, euery of the said Commissioners then being within this Realme, & hauing no sufficient excuse for his absence at the day & place prefixed for that part whereunto he was limited, shall appeare in his proper person, & there the same Commissioners being present, or as many of them as shalbe appointed by your Maiesties commission, shall call or cause to be called before them the said Inhabitants & Officers to whom they haue directed their said precepts, and which had in commandement there to appeare by vertue of the said precept. And if any person so warned make default, vnlesse he then be letted by sickness or lawfull excuse, and that lett then be witnessed by the oathes of two credible persons: or if any appearing, refuse to serue in forme following, then euery such person so making default or refusing to serue, shall forfeit to your Maiestie forty shill. And so at euery time appointed by the said Commissioners for the said seuerall taxations, vntill such time as the number of euery such person haue appeared and certified in forme vnder-written, euery of them so making default or refusing to serue, shall forfeit to your Maiestie forty shill. And vpon the same appearance had, they shall be charged before the Commissioners by all conuenient wayes and meanes other then by corporall oath, to enquire of the best and most value of the substance of euery person dwelling and abiding within the limits of the places that they shall be charged with, and of other which shall haue his or their most resort vnto any of the said places, & chargeable with any summe of money by this Act of the said Subsidies, & of all other things requisite touching the said Act, & according to the intent of the same. And thereupon as neere as it may be, or shall come to their knowledge, truly to present & certifie before the said Commissioners the names & surnames, & the best & vttermost substance & values of euery of the, aswell of lands, tenements, and other hereditaments, possessions & profits, as of goods, chatties, debts, & other things chargeable by the same Act, without any concealment, loue, fauor, affection, dread or malice, vpon paine of forfeiture of fiue pounds or more to be taxed, extracted & levyed in forme, as hereafter in this present Act shall be limited or appointed. And thereupon the said Commissioners shall openly there reade or cause to be read vnto them the said Rates in this Act mentioned: And openly declare the effect of their charge vnto them in what manner and forme they ought and should make their certificate according to the rates and summes thereof aforesaid. And of all manner of persons aswell of Aliens and Strangers, Denizens or not Denizens inhabiting within this Realme, as of such persons as be borne vnder your Maiesties obeisance chargeable to this Act: And of the portions,

goods and chattles of Fraternities, Guilds, Corporations, Brother-hoods, Mysteries, or Commonalties, and other as is abouesaid, and of persons being in the parts beyond the Seas, hauing goods and chattles, lands or tenements within this Realme as aforesaid, and of all goods being in the custody of any person or persons, to the vse of any other as is abouesaid, by the which information and shewing, the said persons shall haue such plaine knowledge of the true intent of this present Act, and of the manner of their certificate that the same persons shall haue no reasonable cause to excuse them by ignorance. And after such charge and the Statute of the Subsidies, and the manner of the said certificat to be made in writing, containing the names and surnames of euery person. And whether he be borne without the Kings obeysance or within, & the best value of euery person, in euery degree aswell of the yearly value of lands & tenements, and of such portions and profits as of the value of goods and chattles, debts and euery thing to their certificate requisit and necessary to them declared, the said Commissioners there being, shall by their discretions appoint and limit vnto the said persons another day and place to appeare before the said Commissioners, and charging the said persons, that they in the meane time shall make diligent enquirie by all wayes and meanes of the premisses: And then and there euery of them vpon paine of forfeiture of forty shill. to your Maiesty to appeare at the new prefixed day & place, there to certifie vnto the said Commissioners in writing according to their said charge, & according to the true intent of the said grant of Subsidies, as to them in maner aforesaid hath bin declared and shewed to the Commissioners, at which day and place so to them prefixed, if any of the said persons make default, or appeare and refuse to make the said certificate, then euery of them so offending, to forfeit to your Maiesty forty shill, except there be a reasonable excuse of his default by reason of Sickness or otherwise by the oathes of credible persons there witnessed, & of such as appeare ready to make certificate as aforesaid, the said Commissioners there being, shall take & receiue the same certificate and euery part thereof, and the names, values and substance of euery person so certified. And if the said Commissioners see cause reasonable, they shall examine the said presenters thereof, & thereupon the said Commissioners at the said dayes and place by their agreement amongst themselues, shal from time to time there openly prefixe a day at a certaine place or places within the limits of their commission by their discretion for their further proceeding to the said assessing of the said Subsidies. And thereupon at the said day of the said certificate as is aforesaid taken, the said Commissioners shall make their precept or precepts to the Sheriffs, vndersheriffs, Constables, Sub-constables, Bayliffes, or other officers of such Shires, Baronies, Cantreds, Hundreds, Townes, or

other

other places aforesaid, as the same Commissioners shalbe of compiling & containing in the said precepts the names and surnames of all such persons presented before them in the said Certificate, of whom if the said Commissioners, or as many of them as shall bee thereunto appointed by the Kings cõmission, shall haue vehement suspect to be of more or greater value or substance in lands, goods chattles, or summes of money owing to them, or other substance before said, then is vpon such person and persons so certified and specified as aforesaid, the same Commissioners shall make their precept or precepts directed to the Sheriffes, Vnder-sheriffes, Constables, Bayliffes, or other Officers commanding the same Sheriffes, Vnder-sheriffes, Bayliffes, Constables, or other Officers to whom such precepts shall be directed to warne such persons whose names shall be compriſed in the said precepts at their mansions or to their persons, that the same persons named in such precepts, and euery of them shall personally appeare before the said Commissioners at the same new prefixed day and place, there to be examined by all wayes & meanes other then by the corporall oath by the said Commissioners, of their greatest substance & best value of all & euery summe & summes of money owing to them, & other whatsoeuer matter concerning the premisses or any of them according to this Act. At which day and place so prefixed, the said Commissioners then and there being, or as many of them as shall be thereunto appointed by your Maiesties commission, shall cause to be called the said persons, whose names shall bee compriſed in the said precept as is aforesaid for their examination. And if any of those persons which shalbe warned as is aforesaid to be examined which at any time after the warning and before the prefixed day, shall be within such place where hee may haue knowledge of his said appearance to be made, make default and appeare not vnlesse a reasonable cause, or else a reasonable excuse by the oathes of two credible persons, before the said Commissioners be truly alleadged for his discharge, that then euery of them so making default, to be taxed and charged to your Maiestie, with and at the double summe of the rate that hee should or ought to haue been set at, for and after the best value of his lands and substance vpon him certified, if he had appeared by the discretion of the said Commissioners there being, which Commissioners shall trauell with euery of the other persons then and there appearing, whose names shall be expressed in the said precept or precepts, and in whom any vehement suspect was or shalbe had in forme aforesaid by al such wayes and meanes as they can (other then by corporall oath) for the better knowledge of their best value either in hereditaments or possessions, or else in goods and debts, and thereupon shall haue power & authority by vertue of this Act, according to their discretiõs to inlarge & increase the said tarations of such persons as they shall so find by due examinations to bee of greater valüe or substance in

lands or goods then they were presented at, & that euery spirituall person at euery of the said taxations of the said Subsidies, shalbe rated and set according to the rule aboue said, of & for euery pound that the spirituall person or any other to his vse, hath by discent, bargane or purchase in fee simple, fee tayle, tearme of life, tearme of yeares, by execution, by wardship, or by coppy of court-roule, or any Mannors, Lands, Tenements, Rents, Seruices, Offices, Fees, Corodies, or Hereditaments after the true, iust and yearely value thereof: And according as other your Maiesties subiects borne within this Realme be charged in forme aboue remembred, so that it extend to the yearely value of twenty shill. or aboue.

And it is further enacted, that if the said Taxors or Assessors shall not duely behaue themselues in their inquiry, taxation, assessment or certificate, but shall affectionatly, corruptly, or partially demean themselues in that behalfe, in such wise that the Commissioners shall by their considerations deeme them offendors worthy of punishment for not doing their duties therein, that then foure or more of the Commissioners of that County for the same Subsidies, shall haue power and authority by their discretions, either to charge the said Assessors vpon their corporall oathes for the better seruice aforesaid in that behalfe, or els by their discretiõs tax and set vpon euery of the said Assessors for their misdemeanors in that behalfe such a fine or paine as they shall thinke good, so that it exceed not the summe of Ten pounds, and the same fine or paine at their discretions to estreat into the Court of Exchequer, euery which fine so taxed & set by foure of the said Commissioners or more, being estreated with the Schedule & bookes of the limit, shalbe levyed and answered to your Maiesties vse, in like manner and forme to all intents & purposes as any other summes that shalbe taxed and become due by vertue of this Statute and Act of Subsidy, and not in any other wise or manner. And if any person certified or rated by vertue of this Act, whether her bee a Commissioner or other to any manner of value, doth find himselfe grieued with the same presentment, selling or rating, and thereupon complaine to the Commissioners before whom he shalbe called, selled or taxed, or before two of them, before the same taxation be certified into the Court of Exchequer, that the said Commissioners, or two, or more of them, shall by all wayes and meanes examine particularly and distinctly the person so complayning vpon his oath, and other his neighbors by their discretions of euery his Lands and Tenements aboue specified, and of euery his goods, Chattles, & debts aboue-mentioned, & after due examination and perfect knowledge thereof had and perceiued by the said Commissioners, or two, or more of them which shall haue power by authority aforesaid, the said Commissioners, or two, or more of them to whom any such complaint shalbe made by their discretions vpon the oath of the said person so complayning may abate, defalke, in-

crease

creaſe or inlarge the ſame aſſeſſments accordíng as it ſhal appeare to them iuſt vpon the ſame examination, & the ſame ſumme ſo abated, defalked, increaſed, or inlarged, ſhalbe by thē eſtreated in forme as hereafter enſueth. And if it be proued by witneſſes, or by the parties owne confeſſion, or other lawfull wayes or meanes within a yeare after ſuch oath made, that the ſame perſon ſo rated or ſworn, was of any better or greater value in lands, goods, or other things aboue ſpecified at the time of his ſaid oth, thē the ſame perſō ſo ſworn did declare vpō ỹ ſaid oth, that thē the ſame perſō ſooffending, ſhall loſe & forfeit to your Maieſtie ſo much lawfull mony of England as he the ſaid perſō ſo ſworn was ſet at, or taxed to pay.

And alſo it is enacted by the ſame authority, that euery perſon to be rated & taxed as is aforeſaid, ſhalbe rated & ſet, & the ſumme on him ſet, to be levyed at ſuch place where he and his family were reſident for the moſt part of the yeere next before the ſame preſentment and taxation made, & no where elſe. And that no Commiſſioner for this Subſidy ſhalbe rated or taxed for his goods & lands but in the County or other place where hee ſhalbe Commiſſioner. And that if any perſon chargeable to this Act at the time of the ſaid aſſeſſing happen to bee out of this Realme, or farre from the place where he ſhalbe knowne, then he to be ſet where he was laſt abiding in this Realme, & after the ſubſtance, value, & other profits of euery perſon to be known by examination, certificate, or other manner of wayes as is aforeſaid, & that the ſaid Commiſſioners, or as many of them as ſhalbe appointed by your Maieſties Commiſſion or Commiſſions, ſhall after the rate and rates aforeſaid, cauſe euery perſon ſo to be rated, ſet & taxed, according to the rate of the ſubſtance & value of his lands, goods, chattles, & other profits chargeable by this Act, whereby the greateſt or moſt beſt ſumme or ſummes according to his moſt ſubſtance by reaſon of this Act, might or may be ſet or taxed. And that euery perſon taxed in any County or place, other then where he and his family were reſident for the moſt part of the yeare then next before, or in any County or place, other then where he is a Commiſſioner for the Subſidy, if he be a Commiſſioner vpon certificate made to the ſaid Court of Exchequer, vnder the hands and ſeales of two Commiſſioners for the ſame Subſidy in the ſame County or place where ſuch perſon and his family were reſiant for the moſt part of the yeare next before, or where he is a Commiſſioner for the taxation and payment of the ſaid Subſidy, teſtifying ſuch his moſt reſidency, hauing a family, or being a Cōmiſſioner, ſhalbe a ſufficient diſcharge for the taxation of that perſon in all other places, and of and for all other ſummes of money vpon ſuch perſons ſo ſet and taxed, ſaue onely the taxation made in that County or place from which ſuch certificate ſhalbe made, as is aforeſaid. And for the ſumme of money vpon ſuch perſons there aſſeſſed or taxed, and that ſuch certificate without any plea or other circumſtance, ſhall bee a

ſufficient warrant aſwell to the Barons and Auditor & Auditors o the ſaid Court of Exchequer, as to all and euery other Officers to whom the allowance thereof ſhall appertaine, paying for ſuch diſcharge & allowance, ſix pence and no more. Prouided alwayes that euery ſuch perſon which ſhalbe rated or tared according to the intent and true meaning of this Act, for payment of and to the Subſidies for and after the yearly value of the Lands, Tenements, and other Reall poſſeſſions or profits at any of the ſaid taxations ſhall not after be ſet and rated for his Goods & Chattles, or other moueable ſubſtance at the ſame taxation, and that he that ſhalbe ſet, charged or tared for the ſame Subſidy for his Goods, chattles and other moueables at any of the ſaid taxations, according to the true meaning of this Act, ſhall not after bee charged, tared, or chargeable for his Lands or other reall poſſeſſions and profits aboueſaid at the ſame taxation, nor that any perſon by any taxation be double charged for the ſaid Subſidies, nor ſet, or tared at ſeuerall places by reaſon of this Act. But if any perſon happen to be double ſet, tared or charged either in any one place or at ſeuerall places, then he to be diſcharged of the one taxation, and charged with the other, according to the meaning and intent of this Act, any thing contained in this preſent Act to the contrary notwithſtanding.

And be it ordayned & enacted by the ſaid authority of this preſent Parliament, that no perſons hauing two Manſions, or two places to reſort vnto, or calling himſelfe houſhold ſeruant, or wayting ſeruant to the Lord Deputy, or other Lord or Lady, Maſter or Miſtris, be excuſed vpon his ſaying from the Taxes of the ſaid Subſidies in neither of the places where he may bee ſet or tared, vnleſſe he bring a certificate in writing from the Commiſſioners where that he is ſo ſet or tared indeed at one place. And if any perſon that ought to be ſet and tared to theſe preſent Subſidies by reaſon of his remouing & reſorting to two places, or by reaſon of his ſayings, that he elſewhere was tared, or by reaſon of any priuiledge of his dwelling or abiding in any place not being forepriſed in this Act, or otherwiſe by his coben or craft, or by any words or ſayings, or otherwiſe, or if any that is a Commiſſioner, or a ſeſſor of others happen to eſcape from the ſaid Tarations for the payment of theſe Subſidies, or any of them, and be not ſet and tared according to the true intent of this Act, and that proued by preſentment, examination, information, or otherwiſe, before the ſaid Commiſſioners or two of them, or before the Barons of your Maieſties Exchequer, or two Juſtices of the peace of the County where ſuch perſon dwelleth, then euery ſuch perſon that by ſuch meanes or otherwiſe, willingly by cobin or without iuſt cauſe ſhal happen to eſcape from the ſaid taxations or payments aforeſaid, or any of them, and ſhall not be rated, tared and ſet, ſhall bee charged vpon the knowledge and proofes thereof, with and at the

double

double value as he should, might, or ought to haue been set & taxed as by vertue of this Act, & the same double value to be gathered, levyed, and payde of his goods and chattles, lands & tenements towards that Subsidie, and further to be punished according to the discretions of the Barons, Justices, and Commissioners before whom he shall be conuicted for his offence and deceit in that behalfe.

And be it further enacted by the authoritie aforesaid, that the said Commissioners in euery Commission which shalbe or inhabit in any Countie or place within the limits of their Commission, or the more part of thē, shall haue full power & authority by this Act to set, tax & sesse euery other Commissioner ioyned with them in euery such Commission, & the said Commissioners within euery diuision shall also assesse euery Assessor, within his or their diuision for his or their goods, lands, and other the premisses as is aboue-said, by the which said Commission the said Commissioners to whom it shall appertaine, shall indifferently set, tax and sesse themselues & the said Assessors, and that aswell the summes vpon euery of the said Commissioners and Assessors so assessed, rated & taxed as the summes made and presented by the presentors, as is aforesaid, shalbe written, certified, set and estreated, and the estreats thereof to be made with the other inhabitants of that part & within the limits of the same Commission & Diuision so to be gathered and levied in like manner as it ought or should haue been, if the said Commissioners had not been in the said Commission. And that all persons of the estate of a Baron or Baronnes, and euery estate aboue, shalbe charged with their free-hold & value as aforesaid by the Lord Deputy or other chiefe Gouernour of this Realme with the aduise aforesaid: And they to be charged for the said seuerall payments of the said Subsidies after the forme of the said grant, according to the taxation aforesaid. And the summe of and vpon them to be set and taxed with the names of the Collectors appointed for the gathering and paying of the same to be estreated, deliuered and certified by the Lord Deputy or other chief Gouernour of the said Realme for the time being, together with other such persons as thereunto shalbe named, as is aforesaid.

And be it further enacted by the authority aforesaid, that after the Taxes and Assesses of the said summes vpon and by the said assessing and certificat as is aforesaid made, the said Commissioners or as many of them as shalbe thereunto appointed and haue authority by your Maiesties Commission, shall with all speed and without delay by their writing, estreat the said taxes therof vnder the seales & signes Mannall of the said Commissioners, or of as many of them as shalbe appointed at the least, and the same shall deliuer vnto sufficient and substantiall inhabitants; Sheriffes, Under-sheriffes, Constables, Sub-constables, Bayliffes and other officers iointly of Baronies, Cantreds, Hundreds, Towns, Parishes,

Parishes, and other places aforesaid within their limits, and other sufficient persons inhabitants of the same onely by the discretions of the said Cõmissioners with the assent of the high Collector: & as the place & parties shall require aswell the particular names & surnames, as the remembrance of all summes of money taxed and set of and vpon euery person aswell man as woman chargeable by this Act, housholders and other inhabitants and dwellers within the said Parishes, Townes & places contributary to this Act of Subsidies. By authority of which writing and estreat so deliuered, the same Officers and other persons so named and deputed seuerally, shall haue full power and authority by vertue of this Act, immediatly after the deliuery of the said writing or estreat, to demand, leuy, & gather of euery person therein specified, the summe or summes in the same writing or extreat compriſed, and for non-payment thereof to distraine the same person or persons so being behind by their goods & chattles, and the distresses so taken to keep by the space of eight dayes at the costs and charges of the owner thereof. And if the said owner doe not pay such summe of money as shalbe taxed vpon him or her by authority of this Act within the said eight dayes, then the same distresses to bee appraised by foure, three, or two of the inhabitants where such distresse is taken: And also then to be sold by the Constable or other Collector for the payment of the said money, and the ouer-plus comming of the sale and keeping thereof if any be, to be immediatly restored to the owner of the same distresses, which said Officers and other persons so deputed, to aske, take, gather & leuy the said summes, shall answer and be charged for the portion onely to them assigned and limited to be gathered, leuied and compriſed in the said writing of estreat so to them as is aforesaid deliuered, to the vse of your Maiestie, your Heires and Successors, & the said summe in that writing or estreat compriſed to pay vnto the high Collector or Collectors of that place for the collection of the same in manner & forme vnder-written thereunto to be named and deputed. And the same inhabitants & officers so gathering the same particular summes for their collection thereof, shall retaine for euery twenty shillings so by them receiued and payd, two pence, and that to be allowed at the payment of their Collection by them to bee made to the high Collector or Collectors. And farther be it enacted by the said authoritie, that such of the said Commissioners, or the more part of them as shal take vpon them the execution and busines of the said Commission, shall for euery of the said payments of the said Subsidies, name such sufficient and able persons which then shal haue and possesse lands or other hereditaments in their owne right of the cleare yearely value of Twenty pounds, or goods to the value of Foure hundred pounds at the least, as he shalbe taxed in the Subsidie booke, if any such be in the said limits, and for want of such so assessed, then those to be appointed Collectors that then

shalbe

ſhalbe ſufficient in lands or goods nearest to the values aforeſaid, as by their diſcretion ſhall be thought good in the ſeuerall Counties, Shires, Cities, Townes corporate, and other whatſoeuer places aſwell within places priuiledged, as without, not being fore-priſed within this Act to be high Collectors, and to haue the collection and receipt of the ſaid ſummes ſet and leviable within the precincts, limits & bounds where they ſhalbe ſo limited & appointed to be high Collectors, & to euery of the ſaid Collectors ſo ſeuerally named, the ſaid Commiſſioners or two of them at the leaſt, with all ſpeed and without delay after the whole ſumme of any payment of the ſaid Subſidy beſet by all the limits of the ſame their commiſſion, or in ſuch limits as the high Collectors ſhall be ſo ſeuerally aſſigned, ſhall vnder their ſeales and ſignes Manuall deliuer one eſtreat indented in parchment, compriſing in it the names of all ſuch perſons as were aſſigned to leuy the ſaid particular ſummes, and the ſummes of euery Barony, Cantred, Hundred, Citty, Towne, and other place aforeſaid, with the names & ſurnames of the perſons ſo chargeable according to the eſtreats thereof made and deliuered as is aforeſaid, and the Collectors to be aſſigned, ſhalbe charged to anſwer the whole ſumme compriſed in the ſaid eſtreat limited to his collection, as is aforeſaid.

Prouided alwayes and be it enacted by the authority aforeſaid, that the ſaid Commiſſioners hauing authority by this Act to name the ſaid high Collectors of euery of the ſaid Subſidies, ſhall immediatly vpon the nomination and election, take by authority of this preſent Parliament, ſufficient Recognizances or obligations without any fee or reward therefore to be payde of euery perſon ſo by them to be named to be high Collectors to bee bound to the Kings Maieſtie in the double ſumme of the ſumme of his collection, and to be endorſed and made vpon ſuch condition, that is to ſay, for the collection of euery payment of the ſaid Subſidies, that if the ſaid Collector, his heires, or executors, doe truely content and pay to the vſe of your Maieſtie, your Heires and Succeſſors in the receipt of the ſaid Exchequer at ſuch times of payment as are formerly limited by this Act, ſo much of the ſaid ſumme of money allotted and appointed to his collection as he ſhall collect & gather, and content and pay the reſidue of his collection & charge within one moneth next after ſuch time as he hath gathered and collected the ſame reſidue, that then the ſaid Recognizances or obligations to bee voyde, or els to ſtand in full ſtrength and vertue. Which ſaid Recognizances or obligations ſo taken, the ſaid Commiſſioners ſhall ſeuerally certifie and deliuer into your Maieſties Exchequer, with the ſeuerall certificats of the ſaid taxations and rates of the payment of the ſaid ſeuerall Subſidies within conuenient time after the taking thereof, and that euery ſuch Collector ſo elected, named and choſen vpon requeſt to him made, ſhall acknowledge and make the ſaid Recognizance or obligation vpon

paine of forfeiture of twenty pounds to your Maiestie for the refusall thereof, and that the Court of Exchequer vpon payment of the said seuerall collections of the said seuerall Subsidies at the times therein limited, or the payment thereof, shall cancell and deliuer the said Recognizances or obligations for the payment thereof to the Collector or Collectors without any other warrant, and without any fee or reward to be payde for the same to any person, and euery Collector so deputed, hauing the said estreat in parchment as is aforesaid, shall haue authority by this Act to appoint dayes and places within the circuit of his collection, for the payment of the said Subsidies respectiuely to him to be made, & thereof to giue warning by Proclamation or otherwise to all the Constables, or other persons or inhabitants hauing the charge of the particular collections within the Baronies, Cantreds, Hundreds Parishes, Townes, or other places by him or them limited, to make payment for the said particular collection of euery summe, as to them shall appertaine. And if at that same day and place so limited & prefixed by the said high Collector, the said Constables, Officers, or other persons or inhabitants, as is aforesaid, for the said particular collection assigned and appointed within such Baronie, Cantred, Hundred, Citty, Towne, or other place, doe not pay vnto the said high Collectors the summe within their seuerall Baronies, Cantreds, Hundreds, Townes, Parishes, and other places due and comprised within the said estreat thereof, to them deliuered by the said Commissioners or some of them, as is aforesaid, or so much thereof as they haue by any meanes receiued (two pence for euery pound for the said particular collection as is aforesaid, alwayes thereof to be allowed, deducted and abated,) that then it shalbe lawfull to the said high Collectors & euery of them, and to their assignes, to distraine euery of the said Constables, Officers, and other Inhabitants, for their said seuerall and particular collection of the said summes comprised in the said estreat & writing thereof to them, and euery of them as is before expressed, deliuered, or for so much of the same summe as so then shal happen to be gathered and levied, and to be behind and vnpayde by the goods and chattles of euery of them so being behind and vnpayd: And the distresses so taken to be kept and appraised, and sold as is aforesaid. And thereof to take and levie the summes so then being behind and vnpayde: And the ouer-plus comming of the sale of the said distresse if any be to be restored and deliuered vnto the owner in forme aboue-remembred.

Prouided alwayes and be it enacted by the authority aforesaid, that no person or persons shall be nominated and appointed to be high Collector or Collectors for the second or other ensuing payment of the said seuerall Subsidies granted by this Act, which before that time hath been a Collector or Collectors for the first, or for any former payment of any part of the said Subsidies, vnlesse

such

ſuch perſon and perſons ſo to be nominated and appointed to bee high Collector or Collectors for the ſaid ſecond, or other enſuing payment, doe firſt ſhew forth before him or them by whom he ſhall be ſo nominated and appointed his Quietus eſt for his diſcharge of his Collection before appointed to his charge vpon paine of 100l. to be payde and forfeited by him or them that ſo ſhall nominat and appoint any ſuch Collector contrary to this preſent Act.

And it is alſo by the ſaid Authority enacted, that if any inhabitants or officers, or whatſoeuer perſon or perſons charged to and for the collection & receipt of any part or portion of the ſaid Subſidies by any manner of meanes according to this Act, or any perſon or perſons for themſelues, or as keeper, Guardian, Deputy, Factor, or Atturney of or for any perſon or perſons of any Goods or chattles of the owner thereof, at the time of the ſaid Aſſeſſing to be payd being out of this Realme or in any other part not known or of and for the goods and chattles of any other perſon or perſons of any Corporation, Fraternitie, Myſterie, or any other whatſoeuer Commonaltie being corporat or not corporate. And all perſons hauing in their rule, gouernance & cuſtody any goods or chattles at the time of the ſaid Aſſeſſings, or any of them to bee made, or which for any cauſe for, and by collection, or for himſelfe, or for any other, or by reaſon that he hath the rule, gouernance, or cuſtody of any goods or chattles of any other perſon or perſons, Corporation, Comminaltie, Fraternitie, Guild, or Myſterie, or any ſuch other like, or as Factor, Deputy or Atturney of or for any perſon, ſhalbe taxed, valued, rated, & ſett to any ſumme or ſummes by reaſon of this Act, & after the taxation or aſſeſſing vpon any ſuch perſon or perſons, as ſhalbe charged with receipt of the ſame, happen to die, or depart from the place where he was ſo taxed and ſet, or his goods and chattles be ſo eſſoyned, or in ſuch priuie or couert manner kept as the ſaid perſon or perſons charged with the ſame by eſtreats or other writing from the ſaid Commiſſioners, or as many of them as ſhalbe thereunto appointed by the ſaid Commiſſion, as is aforeſaid, can, nor may leuie the ſame ſumme or ſummes compriſed within the ſaid eſtreats by diſtreſſe within the limits of their collection, as is aforeſaid, or cannot ſel ſuch diſtreſſe or diſtreſſes as be taken for any of the ſaid Payments before the time limited to the high Collector for his payment to bee made in your Maieſties receipt, then vpon relation thereof with due examination by the oath or examination of ſuch perſon or perſons as ſhalbe charged with and for the receipt and collection of the ſame, before the ſaid Commiſſioners, or as many of them as by the ſaid Commiſſion ſhalbe thereunto appointed, where ſuch perſon or perſons, or other as is aforeſaid their goods and chattles were ſet and taxed, and vpon plaine certificat thereof made vnto your Maieſties Exchequer by the ſame Commiſſioners aſwell of the dwelling place, names, and ſummes of the ſaid perſons of whom the

ſame ſummes cannot be levied and had as is afoꝛeſaid, then as well the Conſtables and other inhabitants appointed foꝛ the ſame particular collection againſt the high Collectoꝛs as the high Collectoꝛ vpon his accompt and oath in the ſaid Exchequer to be diſcharged thereof, and pꝛoceſſe to be made foꝛ your Maieſtie out of the ſame Exchequer by the diſcretion of the Barons of the ſame Exchequer againſt ſuch perſon, his heires oꝛ executoꝛs ſo being behind with his payment, and ouer, that the ſame Commiſſioners to whom all ſuch declaration of the pꝛemiſſes ſhalbe made in foꝛm afoꝛeſaid from time to time, ſhall haue full power and authoꝛity to direct their pꝛecept oꝛ pꝛecepts to the ſaid perſon oꝛ perſons charged with any ſumme of, foꝛ & vpon any ſuch perſon and perſons, oꝛ other as is afoꝛeſaid, oꝛ to any Sheriffe, Steward, Bayliffe, oꝛ other whatſoeuer officer, miniſter, perſon oꝛ perſons of ſuch place oꝛ places where any ſuch perſō oꝛ perſons ſo owing any ſuch ſumme oꝛ ſummes, ſhall haue lands, tenements, oꝛ other hereditaments, oꝛ reall poſſeſſions, goods and chattles, whereby any ſuch perſon oꝛ perſons ſo indebted, his heires, executoꝛs oꝛ aſſignes, oꝛ others, hauing the cuſtody, gouernance, oꝛ diſpoſition of any goods, chattles, lands, tenements, oꝛ other hereditaments which ought oꝛ may by this Act lawfully bee diſtrained oꝛ taken foꝛ the ſame, hath and ſhall haue goods, chattles, lands, tenements, oꝛ other poſſeſſions whereof ſuch ſumme and ſummes which by any ſuch perſon and perſons, may oꝛ ought to be levied, be it within the limit of ſuch Commiſſion where ſuch perſon oꝛ perſons was oꝛ were taxed, oꝛ without in any place within this Realme of Ireland, by which pꝛecept as well ſuch perſon oꝛ perſons ſhalbe charged to levie ſuch money as the Officer of the place oꝛ places where ſuch diſtreſſe may be taken, ſhall haue full power and authoꝛity to diſtraine euery ſuch perſon indebted, charged oꝛ chargeable by this Act, oꝛ his executoꝛs oꝛ adminiſtratoꝛs of his goods & chattles, his Guardians, Factoꝛs, Deputies, Leſſees, Farmoꝛs & aſſignes, and all other perſons by whoſe hands, oꝛ out of whoſe lands any ſuch perſon ſhould haue fee, rent, annuitie, oꝛ other pꝛofits, oꝛ which at the time of the ſaid aſſeſſing, ſhall haue goods oꝛ chattles oꝛ any other thing moueable of any ſuch perſon oꝛ perſons being indebted oꝛ owing ſuch ſumme and the diſtreſſes ſo taken, cauſe to be kept, appꝛaiſed & ſold in like manner and foꝛme as is afoꝛeſaid. Foꝛ the diſtreſſe to bee taken vpon ſuch perſons to be taxed to the ſaid Subſidies, and being ſufficient to diſtraine within the limits of the Collectoꝛs, Inhabitants, oꝛ other officers charged with oꝛ foꝛ the ſaid ſummes ſo vpon them to be taxed. And if any ſuch diſtreſſe foꝛ non-payment happen to be taken out of the limits of the ſaid perſons charged and aſſigned to levie the ſame, the perſon ſo charged foꝛ levying any ſuch ſummes by diſtreſſe, ſhall perceiue and take of the ſame diſtreſſe, foꝛ the labour of euery ſuch perſon going foꝛ the execution thereof foꝛ euery mile that any ſuch perſon

ſo

ſo laboureth for the ſame 2d, and euery Farmer, Tenant, Guardian, Factor, or other whatſoeuer perſon being diſtrained, or otherwiſe charged for payment of any ſuch ſumme or ſummes or any other ſumme by reaſon of this Act, ſhalbe of ſuch ſumme or ſummes of him or them ſo levyed and taken, acquitted and diſcharged at his next day of payment of the ſame, or at the deliuery of ſuch goods and chattles as hee that is ſo diſtrained had in his cuſtody or gouernance againſt him or them that ſhalbe ſo taxed & ſet, any graunt or writing obligatory or other whatſoeuer matter to the contrary made heeretofore notwithſtanding. And if any ſuch perſon that ſhould bee ſo diſtrained, haue no lands or tenements ſufficient whereby he and his Tenants and Farmers may be diſtrained or haue aliened, eloyned, or hid his goods & chattles, whereby he ſhould or might be diſtrained in ſuch manner that ſuch goods and chattles ſhould not bee knowne or found ſo, that the ſumme of, or by him to be payde in the ſaid Farme ſhall not, ne can be conueniently levyed then vpon relation thereof to the Commiſſioners, or to as many of them as by the ſaid Commiſſion ſhalbe thereunto appointed where ſuch perſon or perſons were taxed & ſet by the oath of him or them that ſhalbe charged with the levying & payment of that ſumme or ſummes, the ſame Commiſſioners ſhall make a precept in ſuch manner as is aforeſaid for to attach, take & arreſt the body of ſuch perſon or perſons that ought to pay the ſaid ſummes: And by this Act ſhalbe charged with, and for the ſaid ſumme or ſummes, & them ſo taken ſafely to keepe in priſon within the County or other place where any ſuch perſon or perſons ſhalbe taken and attached, there to remaine without bayle or mainprize vntill he haue payde the ſaid ſumme or ſummes: That ſuch perſon for himſelfe or for any other by this Act ſhalbe chargeable or ought to be charged withall, and alſo for the Fees of euery ſuch arreſt to him or them that ſhall execute ſuch precept 2od. And that euery Officer to whom ſuch precept ſhalbe directed, doe his due diligence & execute the ſame vpon euery perſon ſo being indebted vpon paine to forfeit to the Kings Maieſtie for euery default in that behalfe 20ſ. And that no Keeper of any Goale from his Goale ſuffer any ſuch perſon to goe at large by letting to baile, or otherwiſe to depart out of his priſon before he hath payd his ſaid debt & the ſaid 2od. for the ſaid arreſt, vpon paine to forfeit to your Maieſtie 40ſ. And the ſame Goaler to pay to your Maieſtie the double value aſwell of the rate which the ſaid perſon ſo impriſoned was taxed at as of the ſaid 2od. for the Fees. And like proceſſe & remedy in like forme ſhalbe granted by the ſaid Commiſſioners, or as many of them as by the ſaid Commiſſioners ſhall bee thereunto appointed at like information of euery perſon or perſons being charged with any ſumme of money for any other perſon or perſons by reaſon of the ſaid Subſidy, & not thereof payde, but willfully withdrawne, nor the ſame leviable within the li-

mits where such persons were thereunto taxed. And if the summe or summes being behind and unpayd by any person or persons as is aforesaid, be levyed and gathered by force of the said Processe to be made by the said Commissioners. Or if in default or lack of payment thereof the person or persons so owing the said summes of money by processe of the same Commissioners to be made as is aforesaid, be committed to prison in form abouesaid, that the said Commissioners which shall award such processe, shall make certificate thereof into the said Exchequer of that shalbe done in the premisses in the terme next following, after such summe or summs of money so being behind shalbe levyed & gathered, or such person or persons for non-payment of the same, committed to prison. And if it happen any of the said Collectors to bee assigned, or any Maiors, Sheriffes, Stewards, Constables, Bayliffes, or any other Officer or minister, or other whatsoeuer person or persons to disobey the said Commissioners or any of them in the reasonable request to them made by the said Comissioners for the execution of the said Commission, or if any of the Officers or other persons doe refuse that to them shall appertaine or belong to doe by reason of any precept to him or them to be directed, or any reasonable cõmandement, instance or request touching the premisses, or other default in any apparance or collection to make, or if any person being suspected, not being indifferently taxed as is aforesaid, doe refuse to be examined according to the tenure of this Act before the said Cõmissioners, or as many of thẽ as shalbe therunto assigned, as is aforesaid, or will not appeare before the same Commissioners upon warning to him made, or els make resistance, rescues, upon any distresse upon him to be taken for any parcel of the said seuerall Subsidies, or commit any misbehauiour in any maner of wayes contrary to this Act, or commit any wilfull Act or other whatsoeuer wilfull doings or misdoing contrary to the tenure of this Act or grant, the same Commissioners & euery number of them abouerembred, or two of them at the least, upon probable knowledge of any such misdemeanors, had by information or examination, shall & may set upon euery such offendor for euery such offence in the name of a Fine by the same offendor to be forfeited 40s. or under, by the discretion of the same Commissioners. And further, the same Commissioners and euery number of them, or two of them at the least, shall haue authority by this present Act, to punish euery such offendor by imprisonment, there to remaine, & to be deliuered by their discretion as shall seeme to them conuenient, the said fines if any such bee, to bee certified by the said Commissioners that so assessed the same into your Maiesties Exchequer, there to be levyed & payd by the Collectors of that part of the said seuerall Subsidies returned into the said Exchequer, to bee therewith charged with the payment of the said seuerall Subsidies in such manner as if the said fines had bin set & taxed upon the said offendors for

any

any of the ſaid ſeuerall Subſidies.

And be it alſo enacted by the authority of this preſent Parliament, that euery of the ſaid high Collectors which ſhall accompt for any part of the ſaid ſeuerall Subſidies in the ſaid Exchequer vpon their ſeuerall accompts to be yeelded, ſhalbe allowed at euery of the ſaid payments of the ſaid ſeueral Subſidies for euery poũd limited, to which collection wherof any ſuch Collector ſhalbe charged & yeeld accompt 6d. as parcel of his or their charge, that is to ſay, of euery pound thereof for ſuch perſons as then haue had the particular collection of the townes and other places as is aforeſaid ſpecified in his collection 2d. another 2d. for euery pound there of euery of the ſaid chief Collectors or their accomptants to retain to their vſe for their labour and charge in & aboue the premiſſes, & 2d. of euery pound reſidue to be deliuered, allowed and payd by the ſaid Collectors ſo being thereof allowed to ſuch of the Commiſſioners as ſhall take vpon them the buſines & labour for and about the premiſſes, that is to ſay, euery Collector to pay that Commiſſioner or Commiſſioners which had the ordering of the writings of & for euery of the ſaid Subſidies reſpectiuely where the ſaid Collector or Collectors had their collection for the expences for the ſaid Commiſſioners, ſo taking vpon them the ſaid buſineſſe and labour of their Clearks writing of the ſaid precepts & extracts of the ſaid Collections, the ſame laſt 2d. of euery pound to be diuided amongſt the ſaid Commiſſioners, hauing regard to their labour & buſineſſe taken by them and their ſaid Clearkes in and about the premiſſes, for which part ſo to the ſaid Commiſſioners appertaining, the ſaid Commiſſioners ſix, fiue, foure, three, or two, or as many of them as ſhalbee thereunto appointed by your Maieſties commiſſion, and euery of them ioyntly and ſeuerally for his & their ſaid part, may haue his remedy againſt the ſaid Collector or Collectors which thereof beene or might haue beene allowed by action of debt, in the which the Defendant ſhall not wage his law neither protection, neither iniunction or eſſoyne ſhalbee allowed, and that no perſon now being of number of the Company of this preſent Parliament, nor any Commiſſioner ſhall bee named or aſſigned to be any Collector or Sub-collector, or preſenter of the ſaid Subſidies or any part thereof, nor any Commiſſioner ſhalbe compelled to make any preſentment or certificate, other then into your Maieſties ſaid Exchequer, of, for, or concerning the ſaid Subſidies or any part or parcell thereof. And likewiſe that no other perſon that ſhalbe named & aſſigned to bee a Commiſſioner in any place to and for the execution of this Act of Subſidie, be or ſhalbe aſſigned or named head Collector of any of the payments of the ſaid Subſidies, neither of any part thereof. And that euery ſuch perſon or perſons which ſhalbe named and appointed, as is aforeſaid, to be head Collector of and for the firſt payment of the ſaid Subſidies and collection thereof, or of any part thereof, ſhall

not

not be compelled to be Collector for the second or any other ensuing payments of the said Subsidies, nor for any part thereof. And the said Collectors which shalbe assigned for the collection of the said Subsidies, or any part thereof, and euery of them, be & shalbe acquited and discharged of all manner of Fees, rewards, and of euery other charges in your Maiesties Exchequer, or elsewhere, of them, or any of them by reason of that Collection, payments or accompts, or any thing concerning the same, to be asked. And that if any person receiue and take any Fees, rewards or pleasures of any such accomptant, or vse any vnnecessary delay in their accõpt, that then he shall forfeit vnto your Maiesty for euery penny or value of euery penny or penny worth so taken 5 s. and 5 li. to the party grieued for euery such delay, and suffer imprisonment at your Maiesties pleasure. And after euery taxing or assessing of the said seuerall Subsidies as is aforesaid, had or made, and the said estreats thereof in parchment vnto the Collector in manner and forme before rehearsed, deliuered, the said Commissioners which shall take vpon them the execution of this Act within the limits of their commission by their agreements, shal haue meetings together, at which meeting euery of the said Cõmissioners which then shall haue taken vpon them the execution of any part of the said commission, shall by himselfe or his sufficient Deputy, truely certifie and bring forth vnto the said Commissioners named in the said commission, the certificate and presentment made before him and such other Commissioners as were limited with him in one limit, so that the same certificate may be accompted and cast with the other certificats of the other limits within the same commission. And then the said Commissioners and euery number of them vnto two at the least, as is aforesaid, if any be in life, or their executors or administrators of their goods, if they then be dead, shall ioyntly and seuerally as they were diuided in their limits vnder their seales, by their discretion make one or seuerall writings indented, containing aswell the names of the said Collectors by the Commissioners for such collection & accompts in the Exchequer, and payments in the same Receipt deputed and assigned as the grosse and seuerall summes written vnto euery such Collectors to receiue the said seuerall Subsidies respectiuely, and also all fines, amerciaments and other forfeitures, if any such by reason of this Act, happen to be within the precinct & limit of their commission, to be certified into your Maiesties said Exchequer by the said Cõmissioners, in which writing or writings indented, so to be certified, shalbe plainly declared & expressed the whole & entire summe or summes of the said Subsidies seuerally limited to the collection of the said Collectors seuerally deputed & assigned to the collection of the said summes, so that none of the said Collectors so certified in the said Exchequer, shall bee compelled there to accompt or to bee charged but only to and for the summes limited to his collection, &

to

to and for any ſumme limited to the collection of his fellowes, but euery of them ſhall bee ſeuerally charged for their part limited to their collection. And if the ſaid Commiſſioners ioyned in one commiſſion amongſt themſelues in that matter cannot agree, or if any of them be not ready or refuſe to make certificate with other of the ſame Commiſſioners, that then the ſaid Commiſſioners may make ſeuerall Indentures in forme aforeſaid of their ſeuerall limits or ſeparations of Collectors, within the limits of their commiſſion vpon and in the Baronies, Cantreds, or ſuch other like diuiſions within the ſaid ſeuerall limits of their commiſſion, as the places there ſhall require to bee ſeuered and diuided, and as to the ſame Commiſſioners ſhall ſeeme good to make diuiſions of their limits or collections for the ſeuerall charges of the ſame Collectors, ſo that alway one Collector ſhalbe charged, and accompt for his part to him to be limited only by himſelfe, and not for any ſumme limited to the part of any of his fellowes, and the charges of euery of the Collectors to bee ſet and certified ſeuerally vpon them. And euery ſuch Collector vpon his accompt and payment of the ſumme of money limited within his collection, to be ſeuerally by himſelfe acquitted & diſcharged in the ſaid Exchequer, without paying any manner of fees or rewards to any perſon or perſons for the ſame, vpon paine and penaltie laſt aboueſaid, and not to be charged for any portion of any other Collector: and if any Commiſſioner after he hath taken certificate of them, that as is aforeſaid ſhalbe before any ſuch Commiſſioners examined, and the ſummes rated and ſet, and the bookes and writings thereof being in his hands, or if any Collector or other perſon charged with any receipt of any part of the ſaid ſeueral Subſidies, or any other perſon taxed or otherwiſe by this Act charged with or for any part of the ſaid ſeueral Subſidies, or with any other ſumme, fine, amerciament, penaltie, or other forfeiture happen to die before the Commiſſioners, Collectors, or other whatſoeuer perſon or perſons haue executed, accõpliſhed, ſatiſfied, or ſufficiently diſcharged that which to euery ſuch perſon ſhall appertain or belong to doe according to this Act, then the Executors and heires of euery ſuch perſon, and all other ſeized of any lands or tenements, that any ſuch perſon being charged by this Act, and deceaſing before hee bee diſcharged thereof, or any other to his vſe onely had of eſtate of inheritance at the time that any ſuch perſon was named Commiſſioner, Collector, or otherwiſe charged with or for any manner of thing to be done, ſatiſfied or payd by reaſon of this Act, & all thoſe that haue in their poſſeſſions or hands any goods, chattles, leaſes, or other things that were to any perſon or perſons at the time of his death, or any lands, or tenements that were to the ſame perſons at the time he was, as is aforeſaid charged by this Act, ſhalbe by the ſame compelled & charged to doe & accompliſh in euery caſe, as the ſame perſon being ſo charged ſhould haue done, or might

haue been compelled to doe if hee had beene in plaine life after ſuch rate of the lands and goods of the ſaid Commiſſioner, or Collector, as the party ſhall haue in his hands, and if the ſaid Commiſſioners for cauſes reaſonable them mouing ſhall thinke it not conuenient to ioyne in one certificate as is aforeſaid. Then the ſaid perſon or perſons that ſhall firſt ioyne together, or he that ſhall firſt certifie the ſaid writing indented as is aforeſaid, ſhall certifie all the names of the Commiſſioners of that commiſſion whereupon ſuch writing ſhalbe there then to bee certified with diuiſion of the Baronies, Cantreds, Hundreds, Tithings, and other places to & among ſuch Commiſſioners of the ſaid cõmiſſion with the names of the ſame Commiſſioners where ſuch ſeparations and diuiſions ſhalbe, with the groſſe ſummes of money aſwell of and for the ſaid ſeuerall Subſidies taxed or ſet of or within the ſaid Baronies, Cantreds, Hundreds, Tithings, or other places to him or them diuided or aſſigned, that ſhall ſo certifie the ſaid firſt writing as of the fines, amerciaments, penalties, and other forfeitures, if any happen to bee within the ſame limits whereof the ſame writings ſhalbe certified, and after ſuch writing indented, which as is aforeſaid, ſhalbe certified, & not containe in it the whole & full ſummes ſet, & taxed within the limits of the ſaid cõmiſſion, the other Commiſſioners of the ſame before the day of payment of the ſaid ſeueral Subſidies reſpectiuely, ſhall certifie into the ſaid Exchequer by their writing or writings indented to be made as is aforeſaid, the groſſe and ſeueral ſummes ſet and taxed within the places to them limited for euery of the ſaid Subſidies reſpectiuely, & other fines, amerciaments, penalties & forfeitures, with the names of the Baronies, Cantreds, Hundreds, Tithings, and other places to them aſſigned, or els by their ſaid writings indented to certifie at the ſame place before the ſame day of payment ſuch reaſonable cauſes for their excuſes why they may not make ſuch certificat of and for the ſaid Subſidies, fines, amerciaments, and other forfeitures and cauſes growing or ſet by reaſon of the cauſes of their letts, or of their not certifying as is aforeſaid, or els in default thereof proceſſe to be made out of your Maieſties ſaid Exchequer againſt the ſaid Commiſſioners, and euery of them not making certificate as is aforeſaid by the diſcretion of the Court of Exchequer. Prouided alwayes, and be it further enacted by the authority aforeſaid, that all and euery perſon & perſons hauing Manors, Lands, Tenements and other hereditaments chargeable to the payment of the ſaid ſeuerall Subſidies granted to your Maieſtie by this Act, and alſo hauing ſpirituall poſſeſſions chargeable to your Maieſtie by the grant to bee made by the Clergie of this Realme in their Conuocation, and ouer this hauing ſubſtance in goods and chattles chargeable by this ſaid Act, that then if any of the ſaid perſon or perſons bee hereafter charged or aſſeſſed and taxed for the ſaid Manors, Lands, and Tenements, and ſpirituall poſſeſſi-

ons,

ons,and also assessed, charged, and taxed for his and their goods and chattles,that then he or they shalbe only charged by virtue of this Act for his and their said Manors, Lands, Tenements, Hereditaments and spirituall possessions, or onely for his said goods and chattles, the best thereof to bee taken for your Maiestie, and not to be charged for both, or double charged for any of them: any thing in this Act contained to the contrary in any wise notwithstanding.

Prouided alwayes that this grant of Subsidies, or any thing therein contained in any wise extend not to charge the Provost, Fellowes, & Schollers of the Colledge of the holy Trinity neere Dublin, nor any Manors, Lands, Tenements, or other possessions, goods, chattles, or other moueable substance which the said Provost, Fellowes, & Schollers, or any others to their vse haue within this Realme of Ireland: any thing in this present Act to the contrary in any wise notwithstanding.

Prouided alwayes and be it enacted by the authority aforesaid, that no Orphant or Infant within the age of xxi. yeeres, borne within any your Maiesties Dominions, shall be charged to any payment of these Subsidies for his or her goods and chattles to him or her left or bequeathed: any thing in this Act contained to the contrary notwithstanding.

Prouided neuertheless and be it enacted by the authority aforesaid, that if any alien or stranger borne, Denizen or not Denizen, and dwelling or inhabiting within this Realme of Ireland, shall assigne or conuey ouer vnto any his or their child or children, or to any other borne within any your Maiesties Dominions, any his or their lands, tenements, goods or chattles, to the intent thereby to defraud your Maiestie of your said Subsidies, or any part thereof, of or for the same, that then all and euery such childe and children so being seized of any such lands and tenements, or possessed of any such goods or chattles shalbe charged and chargeable to and with the payment of double the said Subsidie for the same lands, tenements, goods and chattles at the said rates and values as aliens and strangers, Denizens or not Denizens are before limited and appointed to be payed.

CAP. II.

AN ACT FOR THE FVRther graunting of two entire Subſidies by the Temporaltie, above the foure Subſidies *now graunted by this preſent Parliament.*

MEmorandum, That by this other Act of Parliament enacted at the ſame Seſſions of this preſent Parliament, Two entire Subſidies more, ouer and aboue the ſaid Foure entire Subſidies graunted by the ſaid former Statute; were granted vnto his Maieſtie, his Heires and Succeſſors, each of them to bee payde at two payments; the firſt payment thereof to bee made within ſix moneths next enſuing the firſt day of this preſent Seſſions of Parliament, and ſo alike payment to be made at the end of euery enſuing ſixe moneths, vntill the ſaid Two laſt mentioned entire Subſidies be payde. The ſaid Two entire Subſidies to bee rated, taxed and leuyed of euery perſon Spirituall and Temporall of what eſtate or degree hee or they bee of, according to the tenor of the ſaid former Act: And in the ſame manner and forme as in the ſaid former Act is ſet downe and appointed for the ſaid Foure entire Subſidies thereby granted.

CAP. III.

¶ An Act for confirming of Letters Pattents hereafter to be paſt upon his Maieſties Commiſsion of Grace, for the remedy of Defective Titles.

WHereas the Kings moſt excellent Maieſty is giuen to vnderſtand, that diuers of his good and louing Subiects, hauing Mannors, Lands, Tenements, and Hereditaments in vſe, poſſeſſion, remainder or reuerſion, are notwithſtanding ſubiect to much queſtion and exception either becauſe they can deriue no Tytle from the Crown, or becauſe the Letters Pattents wherein any Mannors, Lands, Tenements, and Hereditaments are mentioned to be paſſed or granted, are inſufficient in the Law, defectiue, doubtfull, or not ſo plaine but that both for the preſent and in future times, much trouble, loſſe & diſquiet may ariſe and happen to the Owners or pretended Owners of ſuch Mannors, Lands, Tenements and Hereditaments which may alſo be a reaſon to diſcourage them in their endeavors in improuing and huſbanding their ſaid Lands, which turnes to the damnage of the Common-wealth. And where his Maieſty taking knowledge of the premiſſes, & minding to doe fauour to all his louing Subiects in thoſe caſes, and to ſettle, eſtabliſh and ſecure their Eſtates and poſſeſſions without any further queſtion heereafter, hath bin pleaſed that the Lord Deputy of this Kingdome, and other Commiſſioners thereunto authorized, and to be authorized ſhould take order vpon compoſitions for Fines or Rents, or both, to bee reſerued for his Maieſty, as to their wiſdomes ſhould ſeeme fit to ſecure and eſtabliſh the ſaid Mannors, Lands, Tenements, and Hereditaments by Letters Pattents vnder the great Seale of this Kingdome, to be graunted thereof according to ſuch Eſtates, and in ſuch manner and forme as in the ſame Letters Pattents ſhalbe mentioned or expreſſed. In performance of which his Maieſties gratious pleaſure, ſome compoſitions of that nature haue been already made, and others are intended from time to time to bee made, whereupon Letters Pattents may bee paſſed as aforeſaid. Be it therefore enacted by the Kings moſt excellent Maieſtie, the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and euery perſon or perſons, Bodies Politicke and Corporate, aſwell Spirituall as Temporall, ſhall and

may haue, hold, vſe, poſſeſſe and enioy all ſuch Mannors, Lands, Tenements and Hereditaments of what nature ſoeuer, accor-ding to the purport of the ſaid Letters Pattents for ſuch Fines, Rents, reſeruations or duties, and with ſuch priuiledges, liber-ties, profits and commodities, and in ſuch manner and forme, as in and by the ſaid Letters Pattents ſhalbe limited and appointed. And be it further enacted by the authority aforeſaid, that the ſaid Letters Pattents and euery of them, and euery clauſe, article and ſentence in euery of them to be contained, ſhall ſtand and be ratifi-ed, allowed, approued and confirmed by the authority of this pre-ſent Parliament, And that the ſame Letters Pattents and euery of them ſhall ſtand and bee of force to binde and conclude aſwell the Kings Maieſtie, his Heires and Succeſſors, as alſo all other parties to the ſame, their heires and aſſignes and all clayming by, from, or vnder them, in all things according to the purport and true meaning of the ſame Letters Pattents. And that euery clauſe, article and ſentence in them or any of them to bee contai-ned, for euer from and after the making of the ſame Letters Pat-tents, ſhall ſtand, bee, and remaine, and be adiudged and taken to ſtand and be of ſuch and the ſame force and effect, to all intents & purpoſes as if the ſame Letters Pattents, and euery of them, and euery clauſe, article and ſentence in them, and euery of them to bee contained, were ſpecially and particularly herein expreſſed, and by the authority of this preſent Parliament enacted. Sauing ne-uertheleſſe to all and euery perſon and perſons, and Bodies Poli-ticke and corporate, their heires and ſucceſſors, other then the Kings Highnes his Heires and Succeſſors, all ſuch Actions, Eſ-tates, Poſſeſſions, Rights, Tytles, Intreſts, Rents, vſes and demaunds, profits, commodities, and aduantages whatſoeuer, as they or any of them haue, ſhall, may, or ought to haue, of, in, to, or out of all or any the premiſſes in ſuch and in the ſame Eſtate, degree, plight, manner and forme, to all intents and purpoſes, as if this Act had neuer beene had, ne made.

¶ Statuta,

Statuta, Ordinationes,

Actus & Proviſiones in Parliamento prædicto apud Caſtrum *Dublin*, prædicto die Martis, viz. quarto die Novembris, anno regni dicti Domini Regis *Angliæ*, *Scotiæ*, *Franciæ*, & *Hiberniæ* decimo, coram prefato Deputato ſimiliter tento & ibidem continuato uſque ad decimum quintum diem Decembris tunc proximè ſequentis, & ibidem prorogatum abinde uſque ad viceſimum ſextum diem Ianuarij tunc proximè ſequentis, ædita in hæc verba.

CAP. I.

An Act expreſsing an order for Vſes, Wills, and Enrollments.

Where by the Common Lawes of this Realme, Lands, Tenements, and Hereditaments be not diuiſible by Teſtament, nor ought to be tranſferred from one to another, but by ſolemne liuery and ſeizin, matter of record or writing ſufficiently made bona fide, without couin or fraude, yet neuertheleſſe diuers and ſundry imaginations, ſubtill inuentions and practiſes haue been vſed, whereby the hereditaments of this Realme haue been conueyed from one to another, by fraudulent Feoffments, Fines, Recoueries and other aſſurances, craftily made, to ſecret vſes, intents and truſts, and alſo by Wills and Teſtaments ſometime

time made by nude parolx and wozds, sometime by signes and tokens, and sometime by wziting, and by the most part made by such persons as be visited with sickncs in their extreame agonies and paines, oz at such time as they haue had scantly any good memozy oz remembzance, at which times they being pzouoked by greedy and couetous persons, lying in awaite about them, doe many times dispose indiscreetly and vnaduisedly their Lands and hereditaments, by reason whereof, and by occasion of which fraudulent Feoffments, Fines, Recoueries, and other like assurances to vses, confidences and trusts, diuers and many heires haue beene vniustly at sundzy times disinherited, the Lozds lost their Wards, Marriages, Reliefes, Herriots, Estheats, Aides, Pur faire fitz chivaler, & Pur file marier, and scantly any person can be certainly assured of any Lands by them purchased, noz known surely against whom they shall vse their actions: oz execution foz their rights, title and duties. Also men married haue lost their tenancies by the courtesie, Women their dowzes, and manifest periuries by tryall of such secret Wills & vses haue been committed. The Kings Highnes hath lost the pzofits and aduantages of the Lands of persons attainted, and the Lands craftily put in Feoffment to the vses of Aliens borne, and also the pzofits of wastes foz a yeare and a day, of lands of felons attainted, and the Lozds their Escheats thereof, and many other inconueniences haue happened, and daylie doe increase among the Kings Subiects, to their great trouble and vnquietnesse, and to the vtter subuersion of the ancient Common lawes of this Realme. Foz the extirping and extinguishment of all such subtill pzactised Feoffment, Fines, Recoueries, abuses and errozs heretofoze vsed and accustomed in this Realm, to the subuersion of the good and ancient Lawes of the same, and to the intent that the Kings Highnes, oz any other his Subiects of this Realme shall not in any wise hereafter by any meanes oz inventions, be deceiued, dammaged, oz hurted, by reason of such trusts, vses, oz confidences, it may please the Kings most Royall Maiestie that it may be enacted by his Highnes, by the assent of the Lozds spirituall and tempozall, and the Commons in this pzesent Parliament assembled, and by authozity of the same, in manner and fozme following, that is to say: That where any person oz persons stand oz be seized, oz at any time hereafter shall happen to be seized, of and in any Honozs, Castles, Mannozs, Lands, Tenements, Rents, Seruices, Reuersions, Remainders, oz other Hereditaments, to the vse, confidence, oz trust of any other person oz persons, oz of any body politique, by reason of any bargaine, sale, feoffment, fine, recouery, couenant, contract, agreement, will oz otherwise, by any manner meanes whatsoeuer it be, that in euery such case all and euery such person and persons, and bodies politique that haue, oz hereafter shall haue any such vse, confidence oz trust, in fee simple, fee tayle, foz terme of life, oz yeares, oz otherwise:

otherwise: or any vse, confidence or trust, in remainder, or reuerter shall from henceforth stand and be seized, deemed, and adiudged in lawfull seizin, estate, and possession & in the same Honors, Castles, Manors, Lands, Tenements, Rents, Seruices, Reuersions, Remainders, & Hereditaments with their appurtenances, to all intents, constructions & purposes in the law, of & in such like estates, as they had or shall haue, in vse, trust or confidence of or in the same. And that the estate, title, right, & possession that was in such person or persons, that were or hereafter shalbe seized, of any lands, tenements, or hereditaments, to the vse, confidence or trust of any such person or persons, or of any body politicke, bee from henceforth clearely deemed & adiudged to bee in him or them that haue or hereafter shall haue such vse, confidence, or trust, after such quality, manner, forme, & condition, as they had before, in or to the vse, confidence, or trust that was in them.

And bee it further enacted by the authority aforesaid, that where diuerse & many persons be, or hereafter shall happen to be, ioyntly seized of & in any lands tenements, rents, reuersions, remainders, or other hereditaments, to the vse, confidence, or trust of any of them that be so iointly seized, that in euery such case that those person or persons which haue or hereafter shall haue any such vses, confidence or trust in any such lands, tenements, rents, reversions, remainders, or hereditaments, shall from henceforth haue, & be deemed & adiudged to haue, onely to him or them that haue, or hereafter shall haue such vse, confidence or trust, such estate, possession & seizin, of & in the same lands, tenements, rents, reuersions, remainders, or other hereditaments in like nature, manner, forme, condition, & course, as he or they had before in the vse, confidence or trust of the same lands, tenements, or hereditaments, sauing & reseruing to all & singular persons & bodies politicke, their heires and successors, other then those person or persons which be seized, or hereafter shalbe seized, of any lands, tenements, or hereditaments, to any vse, confidence, or trust, all such right, title, entrie, interest, possession, rents, and action, as they or any of them had or might haue had before the making of this Act.

And also sauing to all and singular those persons, and to their heires which be or hereafter shalbe seized to any vse, all such former right, title, entrie, interest, possession, rents, customes, seruices, and actions as they or any of them might haue had to his or their own proper vse, in or to any Manors, Lands, Tenements, Rents, or Hereditaments, whereof they be, or hereafter shalbe seized to any other vse, as if this present Act had neuer beene had or made, any thing contained in this Act to the contrary notwithstanding.

And where also diuerse persons stand and be seized of and in any lands, tenements or hereditaments, in fee simple, or otherwise, to the vse or intent that some other person or persons shall haue &

perceine yearely to them & to his or their heires, one annuall rent of ten pounds, or more or leſſe out of the ſame lands & tenements, & ſome other perſon one annuall rent to him and his aſſignes for terme of life or yeares, or for ſome other ſpeciall time, according to ſuch intent and vſe as hath been heeretofore declared, limited, and made thereof.

Be it therefore enacted by the authority aforeſaid, that in euery ſuch caſe the ſame perſons their heires and aſſignes, that haue ſuch vſe and intereſt, to haue and perceiue any ſuch annuall rents out of any lands, tenements or hereditaments, that they and euery of them, their heires and aſſignes, be adiudged & deemed to be in poſſeſſion and ſeizin of the ſame rent, of & in ſuch like eſtate, as they had in the title, intereſt, or vſe of the ſaid rent or profit, and as if a ſufficient grant, or other lawfull conueyance had beene made and executed to them by ſuch as were or ſhalbe ſeized to the vſe or intent of any ſuch rent to be had, made or payde according to the verie truſt and intent thereof. And that all & euery ſuch perſon or perſons as haue, or hereafter ſhall haue any title, vſe and intereſt, in or to any ſuch rent or profit, ſhall lawfully diſtrain for non-payment of the ſaid rent, & in their owne name make aduowries, or by their Baylifs or Seruants make cognizances and iuſtifications, & haue all other ſuites, entries, & remedies for ſuch rents, as if the ſame rents had been actually & really granted to them, with ſufficient clauſes of diſtreſſe, re-entry, or otherwiſe, according to ſuch conditions, paines, or other things limited and appointed vpon the truſt & intent for payment or ſurety of ſuch rent.

And be it further enacted by the authority aforeſaid, that whereas diuers perſons haue purchaſed or haue eſtate, made & conueyed of & in diuers lands, tenements and hereditaments vnto them, and to their wiues, and to the heire of the huſband, or to the huſband, and to the wife & to the heires of their two bodies begotten, or to the heires of one of their bodies begotten, or to the huſband & to the wife, for terme of their liues, or for terme of life of the ſaid wife: or where any ſuch eſtate or purchaſe of any lands, tenements or hereditaments hath been or hereafter ſhalbe made to any huſband and to his wife, in manner and forme aboue expreſſed, or to any other perſon or perſons, and to their heires and aſſignes to the vſe and behoofe of the ſaid huſband and wife, or to the vſe of the wife as is before rehearſed, for the ioynture of the wife: that then in euery ſuch caſe, euery woman married hauing ſuch ioynture made, or hereafter to be made, ſhall not clayme nor haue title to haue any dower of the reſidue of the lands, tenements or hereditaments that at any time were her ſaid huſbands by whom ſhee hath any ſuch ioynture, nor ſhall demaund nor clayme her dower of & againſt them that haue the lands and inheritances of her ſaid huſband. But if ſhe haue no ſuch ioynture, then ſhee ſhalbe admitted and enabled to purſue, haue and demaund her dower by writ

of

of dower, after the due course and order of the Common Lawes of this Realme: this Act or any law or prouision made to the contrary thereof notwithstanding.

Prouided alway that if any such woman be lawfully expulsed or evicted from her said Joynture, or from any part thereof: without any fraud or covin, by lawfull entrie, or action, or by discontinuance of her husband: then every such woman shalbe endowed of asmuch of the residue of her husbands tenements or hereditaments whereof shee was before dowable, as the same lands and tenements so evicted and expulsed, shall amount or extend vnto.

Prouided also that this Act, nor any thing therein contayned or expressed extend or be in any wise hurtfull or preiudiciall to any woman or woemen heeretofore being married, of, for, or concerning such right, title, vse, interest, or possession as they or any of them haue, clayme or pretend to haue for her or their Joynture or dower, of, in or to any Mannors, lands, tenements, or other hereditaments of any of their late husbands, being now dead or deceased, any thing contained in this Act to the contrary notwithstanding.

Prouided also that if any wife haue, or heereafter shall haue any Mannors, lands, tenements or hereditaments vnto her giuen or assigned after the marriage for terme of her life, or otherwise in Joynture, except the same assurance be to her made by Act of Parliament, & the said wife, after that fortune to ouer-liue the same her husband, in whose time the said Joynture was made or assured vnto her, that then the same wife so ouer-liuing, shall & may at her libertie, after the death of her said husband, refuse to haue and take the lands & tenements so to her giuen, appointed or assured, during the Couerture for terme of her life, or otherwise in Joynture: except the same assurance be to her made by Act of Parliament, as is aforesaid, & thereupon to haue, aske, demaund & take her dower by writ of dower or otherwise, according to the Common Law of and in all such lands, tenements & hereditaments as her husband was & stood seized of any state of inheritance, at any time during the Couerture, any thing contained in this Act to the contrary in any wise notwithstanding.

Prouided also that this present Act, nor any thing therein contayned, extend or be at any time hereafter interpreted, expounded, or taken to extinct, release, discharge, or suspend any Statute, Recognizance, or other Bond, by the execution of any estate, of or in any lands, tenements, or hereditaments, by the authority of this Act to any person or persons, or bodies politick: any thing contained in this Act to the contrary notwithstanding.

And forasmuch as great ambiguities & doubts may arise by the validitie & invalidities of Wills heeretofore made of any lands, tenements & hereditaments, to the great trouble of the Kings Subiects,

iects. The kings moſt Royall Maieſtie minding the tranquillity & reſt of his louing Subiects, of his moſt excellent & accuſtomed goodnes is pleaſed & contented that it be enacted by the authoritie of this preſent Parliament, that all manner of true & iuſt Wills & Teſtaments heretofore made by any perſon or perſons deceaſed, or that ſhall deceaſe before the firſt day of May, which ſhalbe in the yeare of our Lord 1635. of any lands, tenements, or other hereditaments ſhalbe taken & accepted good & effectuall in the Law, after ſuch faſhion, manner & forme as they were commonly taken & vſed at any time within forty yeares next before the making of this Act: any thing contained in this Act, or in the preamble thereof, or any opinion of the Common Law to the contrary thereof notwithſtanding.

Prouided alwayes that the kings Highnes ſhall not haue, demaund or take any aduantage or profit, for or by occaſion of executing of any eſtate onely by authoritie of this Act, to any perſon or perſons, or bodies politicke, which now haue, or on this ſide the ſaid firſt day of May, which ſhalbe in the yeare of our Lord 1635. ſhall haue any vſe or vſes, truſts or confidences in any Mannors, lands, tenemẽts or hereditaments holden of the kings Highnes, by reaſon of primer ſeizin, liuerie, Ouſter le maine, fine for alienation, relieff or herriot: but that fines for alienations, relieffs & herriots ſhalbe payde to the kings Highnes. And alſo liueries, & Ouſter le maines, ſhalbe ſued for vſes, truſts & confidences to bee made & executed in poſſeſſion, by authoritie of this Act, after and from the ſaid firſt day of May, of lands and tenements, and other hereditaments holden of the King, in ſuch like manner and forme to all intents, conſtructions and purpoſes as hath heeretofore been vſed or accuſtomed by the order of the Lawes of this Realme.

Prouided alſo that no other perſon or perſons, or bodies politicke, of whom any lands, tenements, or hereditaments, be or hereafter ſhalbe holden mediate or immediate, ſhall in any wiſe demand or take any fine, relieff or herriot, for or by occaſion of the executing of any eſtate by the authority of this Act, to any perſon or perſons, or bodies politicke, before the ſaid firſt day of May.

And be it enacted by the authoritie aforeſaid, that all & ſingular perſon & perſons, and bodies politick, which at any time on this ſide the ſaid firſt day of May, ſhall haue any eſtate vnto them executed of & in any lands, tenements, or hereditaments by the authority of this Act, ſhall and may haue and take the ſame or like aduantage, benefit, bowcher, ayde, prayer, remedie, commoditie, and profit by action, entrie, condition, or otherwiſe, to all intents, conſtructions & purpoſes as the perſon or perſons ſeized vnto their vſe, of or in any ſuch lands, tenements, or hereditaments ſo executed, had, ſhould, might, or ought to haue had at the time of the execution of the eſtate thereof by the authority of this Act againſt

any

any other perſon or perſons, of or for any waſte, diſſeizin, treſpas, condition broken, or any other offence, cauſe, or thing concerning or touching the ſaid lands or tenements ſo executed by the authority of this Act.

Prouided alſo and be it enacted by the authority aforeſaid, that actions now depending againſt any perſon or perſons ſeized of or in any lands, tenements or hereditaments, to any vſe, truſt or confidence, ſhall not abate nor be diſcharged for or by reaſon of executing any eſtate thereof, by authoritie of this Act, before the ſaid firſt day of May, any thing contained in this Act to the contrary notwithſtanding.

Prouided alſo that this Act, nor any thing therein contayned ſhall not be preiudiciall to the Kings Highnes for wardſhips of heires, now being within age, nor for liueries, nor for Ouſter le maines to be ſued by any perſon or perſons, now being within age or of full age, of any lands or tenements vnto the ſame heire or heires now already deſcended: any thing in this Act contained to the contrary notwithſtanding.

Prouided alſo and be it enacted by the authoritie aforeſaid, that all and ſingular Recognizances heretofore knowledged, taken or made to the Kings vſe, for or concerning any recoueries of any lands, tenements or hereditaments heeretofore vſed or had by writ, or writs of entrie vpon diſſeizin in le poſt, ſhall from henceforth be vtterly voyde & of none effect, to all intents, conſtructions and purpoſes.

And be it further enacted by the authority of this preſent Parliament, that from the firſt day of May, which ſhalbe in the yeate of our Lord God 1635, no Manors, lands, tenements or other hereditaments, ſhall paſſe, alter or change from one to another, whereby any ſtate of Inheritance or Free-hold ſhall bee made or take effect in any perſon or perſons, or any vſe thereof to bee made by reaſon onely of any bargaine and ſale thereof, except the ſame bargaine and ſale be made by writing indented, ſealed and inrolled in any of the Kings Courts of Record at Dublin, or elſe within the ſame County or Countyes where the ſame Manors, lands or tenements ſo bargained and ſold, lye or be, before the Cuſtos Rotulorum, and two Juſtices of the peace, and the Cleark of the peace of the ſame County or Counties, or two of them at the leaſt, whereof the Clerke of the peace to be one. And the ſame Inrollment to be had and made within ſixe moneths next after the date of the ſame writings indented. The ſame Cuſtos Rotulorum, or Juſtices of the peace and Clerke, taking for the inrollment of euery ſuch writing indented before them, where the lands compriſed in the ſame writings exceed not the yearely value of forty ſhillings, two ſhillings, that is to ſay, twelue pence to the Juſtices, & twelue pence to the Clerke, and for the inrollment of euery ſuch writing indented before them, wherein the Lands compriſed exceede the

ſumme of fortie ſhillings in yearely value, fiue ſhillings, that is to ſay, two ſhillings ſix pence to the Iuſtices, and two ſhillings ſixe pence to the ſaid Clerke for the inrolling of the ſame. And that the Clerke of the peace for the time being within euery ſuch County, ſhall ſufficiently inroll and ingroſſe in parchment the ſame deeds or writings indented, as is aforeſaid, and the rolles thereof at the end of euery yeare, ſhall deliuer vnto the ſaid Cuſtos Rotulorum of the ſame County for the time being, there to remaine in the cuſtody of the ſaid Cuſtos Rotulorum for the time being, amongſt other Records of the ſame Counties, where any ſuch enrollments ſhal be ſo made, to the intent that euery party that hath to doe therewith, may reſort and ſee the effect and tenor of euery ſuch writing ſo inrolled.

Prouided alwayes, that this Act, nor any thing therein contained, extend to any manner lands, tenements, or hereditaments, lying or being within any Citty, Burrough, or Towne corporate within this Realme, wherein the Maiors, Recorders, Chamberlaines, Bayliffes or other officer or officers haue authority, or haue lawfully vſed to inroll any euidences, deedes or other writings within their precincts or limits, any thing in this Act contained to the contrary notwithſtanding.

CAP. II.

¶ An Act how lands, tenements &c. may be diſpoſed by will or otherwiſe. And concerning Wards and primer ſeizin.

WHere the Kings moſt Royall Maieſtie in all the time of his moſt gratious and noble raigne hath euer beene a mercifull, louing, beneuolent, & moſt gratious Soueraigne Lord vnto all and ſingular his louing and obedient Subiects, in ſuch wiſe as all his ſaid Subiects be moſt bounden to the vttermoſt of all their powers and graces by them receiued of God, to render and giue vnto his Maieſtie their moſt humble reuerence and obedient thankes and ſeruices, with their daylie and continuall prayer to Almighty God for the continuall preſeruation of his moſt Royall eſtate in moſt kingly honour and proſperitie. Yet alwayes his Maieſtie being repleat & endowed by God with grace, goodnes and liberalitie, moſt tenderly conſidering, that his ſaid obedient and louing Subiects cannot vſe and exerciſe themſelues according to their eſtates, degrees, faculties and qualities, or to beare themſelues in ſuch wiſe, as that they may conuenientlie keep and maintaine their hoſpitalitie and families, nor the good education and bringing vp of their lawfull generations, which in this

Realme,

Realme (laud bee to God) is in all parts very great and abundant, but that in manner of neceſſity, as by daylie experience is manifeſted and knowne, they ſhall not be able of their proper goods, cattels and other moueable ſubſtance to diſcharge their debts, & after their degrees, ſet forth and aduance their children and poſterity. Wherefore our ſaid Soueraigne Lord moſt vertuouſly conſidering the mortalitie that is in euery perſon at Gods will and pleaſure moſt common and vncertaine, of his moſt bleſſed diſpoſition and liberalitie, being willing to relieue and helpe his ſaid ſubiects in their neceſſities and debilitie, is contented and pleaſed that it be ordayned and enacted by authority of this preſent Parliament, in manner and forme as hereafter followeth: That is to ſay, That all and euery perſon & perſons hauing, or which hereafter ſhall haue any Manors, lands, tenements, or hereditaments holden in ſocage, or of the nature of ſocage tenure, and not hauing Manors, lands, tenements or hereditaments holden of the King our Soueraigne Lord by Knights ſeruice, by ſocage tenure in chiefe, or of the nature of ſocage tenure in chiefe, nor of any other perſon or perſons by Knights ſeruice from the firſt day of May, in the yeare of our Lord God 1635. ſhall haue full and free libertie, power and authoritie to giue, diſpoſe, will and deuiſe aſwell by his laſt will and teſtament in writing, or otherwiſe by any Act or Acts lawfully executed in his life, all his ſaid manors, lands, tenements or hereditaments, or any of them at his free will and pleaſure, any law, ſtatute, or other thing heretofore had, made or vſed to the contrary notwithſtanding. And that all and euery perſon and perſons hauing Manors, lands, tenements or hereditaments holden of the King our Soueraigne Lord, his heires or ſucceſſors in ſocage, or of the nature of ſocage tenure in chiefe, and hauing any other Manors, lands, tenements or hereditaments holden of any other perſon or perſons in ſocage, or of the nature of ſocage tenure, and not hauing any Mannors, Landes, Tenements, or Hereditaments holden of the King our Soueraigne Lord by Knights ſeruice, nor of any other Lord or perſon by like ſeruice from the ſaid firſt day of May in the ſaid yeare of our Lord God 1635. ſhall haue full and free libertie, power and authoritie to giue, will, diſpoſe and deuiſe aſwell by his laſt will or teſtament in writing, or otherwiſe by any Act or Acts lawfully executed in his life, all his ſaid Manors, lands, tenements & hereditaments, or any of them at his free will and pleaſure, any law, ſtatute, cuſtome, or other thing heretofore had, made, or vſed to the contrary notwithſtanding. Sauing alway and reſeruing to the King our Soueraigne Lord, his heires and ſucceſſors, all his right, title and intereſt of primer ſeizin and reliefs, and alſo all other rights and duties for tenures in ſocage, or of the nature of ſocage tenure in chiefe, as heeretofore hath bin vſed and accuſtomed the ſame Manors, lands, tenements and hereditaments to

be

be taken, had and sued out of, and from the hands of his Highnes, his heires and successors by the person or persons to whom any such Manors, lands, tenements or hereditaments shalbe disposed, willed, or deuised in such and like manner & forme as hath bin vsed by any heire or heires before the making of this statute. And sauing and reseruing also fines for alienations of such Manors, lands, tenements, or hereditaments holden of the King our Soueraigne Lord in socage, or of the nature of socage tenure in chief, whereof there shalbe any alteration of free-hold or inheritance made by will or otherwise, as is aforesaid. And it is further enacted by the authority aforesaid, that all and singular person and persons hauing any Manors, lands, tenements or hereditaments of estate of inheritance holden of the kings Highnes in chiefe by knights seruice, or of the nature of knights seruice in chiefe from the said first day of May, shall haue full power and authority by his last will, by writing or otherwise by any Act or Acts lawfully executed in his life, to giue, dispose, will or assigne two parts of the same Manors, lands, tenements or hereditaments in three parts to be diuided, or els as much of the said Manors, lands, tenements, or hereditaments as shall extend or amount to the yearly value of two parts of the same in three parts to bee diuided in certaintie, & by speciall diuisions, as it may be knowne in seueraltie, to and for the aduancement of his wife, preferment of his children, and payment of his debts, or otherwise at his will and pleasure, any law, statute, custome, or other thing to the contrary therof notwithstanding. Sauing & reseruing to the King our Soueraigne Lord, the custodie, wardship, & primer seizin, or any of them, as the case shall require, of asmuch of the same Manors, lands, tenements, or hereditaments, as shall amount & extend to the full & cleare yearely value of the third part thereof, without any diminution, dower, fraud, couin, charge or abridgement of any of the same third part, or of the full profits thereof. Sauing also & reseruing to the King our Soueraigne Lord, all fines for alienations of all such Manors, lands, tenements, & hereditaments holden of the King by knights seruice in chiefe, whereof there shall be any alteration of free-hold or inheritance made by will or otherwise, as is aboueaid. And be it enacted by the authoritie aforesaid, that all & singular person & persons hauing Manors, lands, tenements or hereditaments of estate of inheritance holden of the King in chiefe by knights seruice, & hauing other Manors, lands, tenements or hereditaments holden of the King, or of any other person or persons by knights seruice, or otherwise, euery such person and persons from the said first day of May, shall haue full power & authoritie to giue, dispose, will or assigne by his last will in writing, or otherwise by any Act or Acts lawfully executed in his life, two parts of the same Manors, lands, tenements & hereditaments, in three parts to be diuided, or else asmuch of the same

Manors,

manoꝛs,lands,tenements,& hereditamẽts,as ſhal extend oꝛ amoũt to the yearly value of 2 parts of the ſame in 3 parts to be diuided in certainty & by ſpecial diuiſiõs,as it may be known in ſeueralty, to & foꝛ ẏ aduancement of his wife,pꝛeferment of his childꝛẽ,& payment of his debts,oꝛ otherwiſe at his wil & pleaſure,any law,ſtatute,cuſtome,oꝛ other thing to ẏ contrary therof notwithſtãding. Sauing alway & reſeruing to the king our Soueraigne Loꝛd,the cuſtodie, wardſhip,and pꝛimer ſeizin,oꝛ any of thẽ,as the caſe ſhall require of aſmuch of ẏ ſame manoꝛs,lands,tenemẽts, oꝛ other hereditamẽts as ſhal amount & extend to the full and cleare yearly value of the 3d part thereof without any maner diminution, dower,fraude,couin, charge oꝛ ſubſtractiõ of the ſame 3d part,oꝛ the full pꝛofits thereof. Sauing alway & reſeruing to our ſaid Soueraigne loꝛd the king all fines foꝛ alienation of any ſuch manoꝛs,lands,tenements oꝛ hereditamẽts holdẽ of ẏ king by knights ſeruice in chief, wherof there ſhalbe any alteratiõ of freehold oꝛ inheritãce made by will oꝛ otherwiſe as is abouеſaid. Be it further enacted by the authoꝛity afoꝛeſaid,ẏ if any perſõ oꝛ perſõs hold any manoꝛs,lands, tenements, oꝛ hereditamẽts only of any other Loꝛd oꝛ perſõ thẽ the king our ſaid Soucraigne Loꝛd by knights ſeruice,& other lands & tenements in ſocage,oꝛ of the nature of ſocage tenure,ẏthen euery ſuch perſõ ſhall oꝛ may giue,diſpoſe oꝛ aſſure by his laſt will, oꝛ otherwiſe, by any Act oꝛ Acts lawfully executed in his life,2 parts of the ſaid manoꝛs, lands & tenements holdẽ by knights ſeruice,oꝛ of aſmuch therof as ſhal amount to the full yearly value of 2 parts in maner & foꝛme as is aboue declared. And alſo all ẏ lands & tenements holdẽ by ſocage oꝛ of the nature of ſocage tenure,at his wil & pleaſure,as is abouewꝛittẽ. Sauing & reſeruing to ẏ loꝛds of the lands & tenemẽts holdẽ by knights ſeruice foꝛ his cuſtodie & wardſhip aſmuch of ẏ ſame lands & tenemẽts as ſhal extend & amount to the ful & cleare yearly value of the 3d part of ẏ ſame lãds & tenemẽts holdẽ by knights ſeruice without any diminutiõ,dower,fraud,couin,charge oꝛ ſubſtractiõ of any poꝛtiõ of that 3d part,oꝛ of the cleare yearly value therof in maner & foꝛme afoꝛeſaid. And be it further enacted by authoꝛity afoꝛeſaid,that if any perſõ oꝛ perſõs hold any manoꝛs,lãds,tenemẽts oꝛ hereditamẽts only of the king our ſoueraigne Loꝛd by knights ſeruice & not in chief, oꝛ hold any manoꝛs,lands,tenemẽts oꝛ hereditaments of our ſaid ſoueraigne Loꝛd by knights ſeruice & not in chief,& alſo hold other manoꝛs,lãds,tenemẽts,& other hereditamẽts of any other perſõ oꝛ perſõs by knights ſeruice,& alſo hold other manoꝛs,lands,tenemẽts oꝛ hereditamẽts of any other perſõ oꝛ perſõs in ſocage,oꝛ of the nature of ſocage tenure: that thẽ all & euery ſuch perſõ & perſõs ſhal and may giue, diſpoſe, will, deuiſe, & aſſure by his laſt wil,oꝛ otherwiſe,by any Act oꝛ Acts lawfully done & executed in his life,two parts of the ſame Manoꝛs,lands, tenements and hereditaments, holden of our ſaid Soueraigne Loꝛd the king by knights ſeruice, and two parts of the Manoꝛs, lands, tenements and hereditaments holden of any perſon oꝛ perſons by knights ſeruice , oꝛ aſmuch of either of them as ſhall amount to the full

yearely value of two parts, in manner & forme as is aboue declared: & also of all his lands & tenements so holden in socage, or of the nature of socage tenure, at his free will & pleasure. Sauing & reseruing to the Kings Highnes the custody and wardship of asmuch of the same Manors, lands, tenements, or other hereditaments as shall extend and amount to the full & cleare yearely value of the third part of the said Manors, lands, tenements & hereditaments so holden of his Highnes by knights seruice, without any diminution, dower, fraude, couin, charge and substraction of any portion of that third part, or of the full profits thereof. And also sauing and reseruing to the Lords of whom any of the said Manors, lands, tenements, or other hereditaments been holden by knights seruice for the custodie and wardship, as much of the same Manors, lands, tenements or hereditaments holden of them or any of them by knights seruice as shall extend and amount to the full & cleare yearely value of the third part of the same, without any diminution, charge, fraude, couin, or substraction of any portion of that third part, or of the cleare yearely value of the third part thereof in manner and forme aboue declared.

Prouided alway and it is further enacted by the authority aforesaid, that if that third part of the Manors, lands, tenements, or hereditaments of any of the Kings Subiects, which in any of the cases aboue said shall hereafter come to the Kings Highnes, his heires or successors by virtue of this Act as is aboue said, bee not, or doe not amount to the cleare yearely value of the third part of all the said Manors, lands, tenements, or other hereditaments, whereof the Kings Highnes is or shalbe intituled to haue the custody or primer seizin as is aboue said: That then our said Soueraigne Lord & his heires, shall and may at his or their free liberty and pleasure, take into his or their hands and possession, as much of the other two parts of the said Manors, lands, tenements, and other hereditaments, as with that of the same Manors, lands, tenements or hereditaments holden, remaining in the Kings hands, shall make vp the cleare yearely value of the full third part of the said Manors, lands, tenements, and hereditaments so to be had to the Kings Highnes in title of wardship and primer seizin, or any of them as the case shall require. And like benefit and aduantage to be giuen to euery Lord & lords, of whom any such Manors, lands, tenements, or hereditaments, beene or shalbe holden by knights seruice as is aboue said, concerning onely his third part of or for title of wardship.

Prouided alway and be it further enacted by the authority aforesaid, that euery person and persons shall sue their liueries for possessions, reuersions or remainders, and also pay reliefs and herriots after such manner and forme as they should or ought to haue done before the making of this Act, & as if this Act had neuer been made. And that fines for alienations shalbe payd in the

Kings

Kings Chancery, for and vpon writs of entrie in the poſt, to be obtained in the ſame Court of Chancery after the ſaid firſt day of May: for common Recoueries to bee had or ſuffered of any Manors, lands, tenements or hereditaments holden of the King in chiefe; in like manner and forme as is vſed vpon alienations of ſuch Manors, lands, tenements or hereditaments ſo holden in chiefe, by fine or feoffment.

Prouided alſo and be it enacted by the authority aforeſaid, that in ſuch caſes where fines for alienations ſhalbe payd in the Kings Chancerie, for writs of entrie in the poſt, as is aforeſaid, that then none other fine ſhalbe payd in the ſame Court for any ſuch writs: Any vſage or cuſtome to the contrary thereof notwithſtanding.

And bee it further enacted by the authority aforeſaid, That where two or more perſons now hold, or hereafter ſhall hold any Manors, lands, tenements or hereditaments of the King our Soueraigne Lord by knights ſeruice ioyntly to them and to the heires of one of them, and he that hath the inheritance thereof, dyeth, his heire being within age, that in euery ſuch caſe the King ſhall haue the ward and the marriage of the body of ſuch heire ſo being within age, the life of the Free-holder or Free-holders of the ſaid Manors, lands, tenements, or hereditaments ſo holden by knights ſeruice notwithſtanding. Sauing & reſeruing to all and euery woman and women, all and euery ſuch right, title & intereſt of dower, as they or any of them ought to haue, or be, or ſhall bee iuſtly intitled to haue clayme or demaund of any Manors, lands, tenements or hereditaments by the Lawes of this Realme, to bee taken or aſſigned vnto them, or any of them, out of the two parts of the ſaid Manors, lands, tenements, or hereditaments ſeuered and diuided from the third part as is aboueſaid, and not otherwiſe. And ſauing alſo to the King our Soueraigne Lord, his heires and ſucceſſors, the recoueries of all ſuch Tennants in ioynt tenure & dower, immediatly after the death of all ſuch Tennants if they ſhall happen to dye during the minority of the Kings Wards.

And further for a plaine declaration and explanation of all and euery the clauſes, ſentences and articles aboue in this preſent Act contained, mentioned or expreſſed: and for the avoyding of all ambiguities, doubts & queſtions that may ariſe in the expoſition of the before mentioned premiſſes. And to the intent and purpoſe that the Kings obedient and louing Subiects ſhall and may take the commoditie and advantage of the Kings ſaid gratious and liberall diſpoſition, the Lords ſpirituall and temporall, & the Commons in this preſent Parliament aſſembled, moſt humbly beſeeching the Kings Maieſty, that the meaning of all and euery the clauſes, ſentences and articles aboue in this preſent Act contayned concerning ſuch matters hereafter rehearſed, may bee by the

yearely value of two parts, in manner & forme as is aboue declared: & also of all his lands & tenements so holden in socage, or of the nature of socage tenure, at his free will & pleasure. Sauing & reseruing to the Kings Highnes the custody and wardship of as much of the same Manors, lands, tenements, or other hereditaments as shall extend and amount to the full & cleare yearely value of the third part of the said Manors, lands, tenements & hereditaments so holden of his Highnes by knights seruice, without any diminution, dower, fraude, couin, charge and substraction of any portion of that third part, or of the full profits thereof. And also sauing and reseruing to the Lords of whom any of the said Manors, lands, tenements, or other hereditaments been holden by knights seruice for the custodie and wardship, as much of the same Manors, lands, tenements or hereditaments holden of them or any of them by knights seruice as shall extend and amount to the full & cleare yearely value of the third part of the same, without any diminution, charge, fraude, couin, or substraction of any portion of that third part, or of the cleare yearely value of the third part thereof in manner and forme aboue declared.

Prouided alway and it is further enacted by the authority aforesaid, that if that third part of the Manors, lands, tenements, or hereditaments of any of the Kings Subiects, which in any of the cases aboue said shall hereafter come to the Kings Highnes, his heires or successors by virtue of this Act as is aboue said, bee not, or doe not amount to the cleare yearely value of the third part of all the said Manors, lands, tenements, or other hereditaments, whereof the Kings Highnes is or shalbe intituled to haue the custody or primer seizin as is aboue said: That then our said Soueraigne Lord & his heires, shall and may at his or their free liberty and pleasure, take into his or their hands and possession, as much of the other two parts of the said Manors, lands, tenements, and other hereditaments, as with that of the same Manors, lands, tenements or hereditaments holden, remaining in the Kings hands, shall make vp the cleare yearely value of the full third part of the said Manors, lands, tenements, and hereditaments so to be had to the Kings Highnes in title of wardship and primer seizin, or any of them as the case shall require. And like benefit and aduantage to be giuen to euery Lord & lords, of whom any such Manors, lands, tenements, or hereditaments, beene or shalbe holden by knights seruice as is aboue said, concerning onely his third part of or for title of wardship.

Prouided alway and be it further enacted by the authority aforesaid, that euery person and persons shall sue their liueries for possessions, reuersions or remainders, and also pay reliefs and herriots after such manner and forme as they should or ought to haue done before the making of this Act, & as if this Act had neuer been made. And that fines for alienations shalbe payd in the

Kings

Kings Chancery, for and vpon writs of entrie in the poſt, to be obtained in the ſame Court of Chancery after the ſaid firſt day of May: for common Recoueries to bee had or ſuffered of any Manors, lands, tenements or hereditaments holden of the King in chiefe; in like manner and forme as is vſed vpon alienations of ſuch Manors, lands, tenements or hereditaments ſo holden in chiefe, by fine or feoffment.

Prouided alſo and be it enacted by the authority aforeſaid, that in ſuch caſes where fines for alienations ſhalbe payd in the Kings Chancerie, for writs of entrie in the poſt, as is aforeſaid, that then none other fine ſhalbe payd in the ſame Court for any ſuch writs: Any vſage or cuſtome to the contrary thereof notwithſtanding.

And bee it further enacted by the authority aforeſaid, That where two or more perſons now hold, or hereafter ſhall hold any Manors, lands, tenements or hereditaments of the King our Soueraigne Lord by knights ſeruice ioyntly to them and to the heires of one of them, and he that hath the inheritance thereof, dyeth, his heire being within age, that in euery ſuch caſe the King ſhall haue the ward and the marriage of the body of ſuch heire ſo being within age, the life of the Free-holder or Free-holders of the ſaid Manors, lands, tenements, or hereditaments ſo holden by knights ſeruice notwithſtanding. Sauing & reſeruing to all and euery woman and women, all and euery ſuch right, title & intereſt of dower, as they or any of them ought to haue, or be, or ſhall bee iuſtly intitled to haue clayme or demaund of any Manors, lands, tenements or hereditaments by the Lawes of this Realme, to bee taken or aſſigned vnto them, or any of them, out of the two parts of the ſaid Manors, lands, tenements, or hereditaments ſeuered and diuided from the third part as is aboueſaid, and not otherwiſe. And ſauing alſo to the King our Soueraigne Lord, his heires and ſucceſſors, the recoueries of all ſuch Tennants in ioynt tenure & dower, immediatly after the death of all ſuch Tennants if they ſhall happen to dye during the minority of the Kings Wards.

And further for a plaine declaration and explanation of all and euery the clauſes, ſentences and articles aboue in this preſent Act contained, mentioned or expreſſed: and for the avoyding of all ambiguities, doubts & queſtions that may ariſe in the expoſition of the before mentioned premiſſes. And to the intent and purpoſe that the Kings obedient and louing Subiects ſhall and may take the commoditie and advantage of the Kings ſaid gratious and liberall diſpoſition, the Lords ſpirituall and temporall, & the Commons in this preſent Parliament aſſembled, moſt humbly beſeeching the Kings Maiеſty, that the meaning of all and euery the clauſes, ſentences and articles aboue in this preſent Act contayned concerning ſuch matters hereafter rehearſed, may bee by the

authority of this present Parliament enacted, taken, expounded, declared and explained in manner and forme following. First where it is in this Act before expressed, that all and singular person & persons having any Manors, lands, tenements or hereditaments, of estate of inheritance, should haue full & free power, liberty & authoritie to giue, will, dispose, or assigne aswell by his last will and testament in writing, or otherwise, by any Act or Acts lawfully executed in his life, his Manors, lands, tenements or hereditaments, or any of them in such manner & forme as is heerein formerly contayned and specified. Which words (of estate of inheritance) by the authority of this present Parliament is and shall be declared, expounded, taken & iudged of estates in fee simple onely. And also that all and singular person and persons having a sole estate in fee simple, or seized in fee simple, in Coppercenerie, or in Common in fee simple, of and in any Manors, lands, tenements, rents, or other hereditaments in possession, reuersion or remainder, or of rents or seruices, incident to any reuersion or remainder, and hauing no Manors, lands, tenements or hereditaments holden of the King, his heires or successors, or of any other person or persons by knights seruice, shall haue full and free liberty, power and authoritie to giue, dispose, will, or deuise to any person or persons (except bodies politicke & corporate) by his last will & testament in writing or otherwise by any Act or Acts lawfully executed in his life by himselfe solely, or by himselfe and others ioyntly, seuerally or particularly, or by all those wayes, or any of them, as much as in him of right is or shalbe, all his said Manors, lands, tenements, rents and hereditaments, or any of them, or any rents, Commons or other profits or commodities out of, or to be perceiued of the same, or out of any parcell thereof at his own free will and pleasure, any clause in this Act formerly mentioned notwithstanding.

And further be it enacted by the authoritie aforesaid, That all & singular person and persons hauing a sole estate or interest in fee simple, or seized in fee simple in Coppercenery, or in Common in fee simple, of or in any Manors, lands, tenements, rents & hereditaments in possession, reuersion or remainder, or of & in any rents or seruices incident to any reuersion or remainder holden of the King by knights seruice in chiefe, or of the nature of knights seruice in chiefe, hath & by the authority of this present Parliament, shall haue full and free liberty, power & authority to giue, dispose, will, or assigne to any person or persons (except bodies politicke & corporate) by his last Will and Testament in writing or otherwise by any Act or Acts lawfully executed in his life by himselfe solely, or by himselfe and others ioyntly, seuerally or particularly, or by all those wayes, or any of them, almuch as in him of right is, or shalbe, two parts of all the said Manors, lands, tenements, rents & hereditaments, as of all & singular his other rents and hereditaments

reditaments, or of any of them, or any rents, Commons, or other profits or commodities, out of, or to be perceiued of the ſame two parts, or out of any parcell thereof, in three parts to be diuided, or almuch thereof as ſhall amount to the full and cleare yearly value of two parts thereof, in three parts to be diuided, of what perſon or perſons ſoeuer they be holden at his free will & pleaſure. And that by the authority aforeſaid, the ſaid will ſo declared ſhall bee good & effectuall for two parts of the ſaid Manors, lands, tenements and hereditaments, although the will ſo declared be made of the whole, or more then two parts of the ſame. The ſame diuiſion to be made and ſet forth by the Diuiſor or Owner of the ſame Manors, lands, tenements and hereditaments, by his laſt Will in writing, or otherwiſe in writing. And in default thereof by a Commiſſion to be graunted out of the Kings Court of the Wards and Liueries, vpon the inquirie of the true value thereof, by the oathes of Twelue men, and returne or certificate thereof had in the ſame Court, of the ſaid Manors, lands, tenements and hereditaments, diuiſion to be made by the Maſter of the Wards & Liueries for the time being, and the parties thereunto cannot otherwiſe agree vpon the ſame diuiſion. And that the iſſues and profits of the two parts of the ſame Manors, lands, tenements and hereditaments vpon euery ſuch diuiſion to bee reſtored to them that ſhall haue right or title to the ſame from the death of the Owner or Diuiſor thereof.

And further be it enacted and declared by the authority aforeſaid. That all and ſingular perſon and perſons hauing a ſole eſtate or intereſt in fee ſimple, or ſeized in fee ſimple, in Copercenerie, or in Common in fee ſimple, of and in any Manors, lands, tenements, rents or other hereditaments in poſſeſſion, reuerſion or remainder, or of and in any rents or ſeruices incident to any reuerſion or remainder holden of the King his heires or ſucceſſors by knights ſeruice, and not in chiefe, or holden of any other perſon or perſons by knights ſeruice, ſhall haue full and free libertie, power and authority to giue, diſpoſe, will, or deuiſe to any perſon or perſons (except bodies politicke and corporate) by his laſt Will and Teſtament in writing or otherwiſe by any Act or Acts lawfully executed in his life by himſelfe ſolely, or by himſelfe and another ioyntly, ſeuerally or particularly, or by all thoſe wayes, or any of them, almuch as in him of right is or ſhalbe, two parts of all the ſaid Manors, lands, tenements and hereditaments, or any of them ſo holden by knights ſeruice, or any rents, commons or other profits or commodities out of, or to be perceiued of the ſame two parts, or out of any parcell thereof in three parts to bee diuided, or almuch thereof as ſhall amount to the full and cleare yearly value of two parts thereof in three parts to bee diuided at his free will and pleaſure. And that the ſaid will ſo declared by authoritie aforeſaid, ſhall be good and effectuall for two parts of the

ſaid Manors, lands, tenements or hereditaments, although the will ſo declared, bee or ſhalbee made of the whole lands and tenements ſo holden by knights ſeruice, or of more then of two parts of the ſame. And alſo for the whole of all other ſuch manors, lands, tenements and hereditaments, or any of them not holden of the King by knights ſeruice in chiefe, or otherwiſe by knights ſeruice, nor of any other perſon by knights ſeruice, and of any rents, commons or other profits or commodities out of, or to be perceiued of the ſame, or out of any parcell thereof at his free will and pleaſure. The ſame diuiſion to be made & ſet forth by the Owner of the ſaid Manors, lands, tenements, or hereditaments, by his laſt Will and Teſtament in writing, or otherwiſe in writing. And in default thereof for ſo much of the ſame Manors, lands, tenements, and hereditaments as ſhall concerne the Kings intereſt by commiſſion to be directed out of the Kings Court of the Wards & liueries in manner & forme as is aforeſaid, if the Maſter of the wards and liueries for the time being, and the parties thereunto cannot otherwiſe agree vpon the ſame diuiſion: And that reſtitution of the iſſues and profits of the two parts thereof ſhalbee had and made in manner and forme aboueſaid. And for ſuch of the ſame Manors, lands, tenements and hereditaments, as ſhall concerne the intereſt of any other Lord or Lords by commiſſion to bee granted out of the Kings Court of Chancery to inquire thereof by the oathes of Twelue men, if the ſame Lord or Lords, and the parties thereunto cannot otherwiſe agree vpon the ſame diuiſion.

And be it further enacted & declared by authority aforeſaid, that the ſauings, reſeruings, and prouiſions, concerning ſauing of the cuſtodie, wardſhip, reliefe and primer ſeizin to the King, of ſuch Manors, lands, tenements & hereditaments, or aſmuch thereof as ſhall appertaine vnto him by virtue of any the clauſes, ſentences or articles aboue in this preſent Act contained during the Kings intereſt therein. And alſo of the cuſtody & wardſhip to other Lords of aſmuch of ſuch Manors, lands, tenements, and hereditaments holden of them as ſhall amount & extend to the cleare yearely value of the third part thereof ouer and aboue all charges, without any diminution or abridgement of the third part, or of the full profits thereof, compriſed & mentioned in the ſaid articles, clauſes or ſentences aboueſaid, or any of them, bee and ſhalbee expounded and taken as hereafter enſueth: That is to ſay, That the King ſhall haue and take for his full third part of all ſuch Manors, lands, tenements, and hereditaments, whereunto he is or ſhalbe intituled by this preſent Act, ſuch Manors, lands & tenements, as ſhall by any meanes deſcend or come by deſcent, aſwell of eſtate of inheritance in fee tayle, as in fee ſimple, or in fee tayle only to the heire of any ſuch perſon that ſhall make any will, gift, diſpoſition or deuice by his laſt Will in writing, or by any other Act or Acts lawfully executed in his life, immediatly after the death

death of the ſame deuiſor or owner thereof. And that the will, gift, and deuice of euery ſuch deuiſor or owner of and for the two parts of the ſaid Manors, lands, tenements and hereditaments reſidue, ſhall by the authority aforeſaid, be, and ſtand good and effectuall in the law, albeit the ſame will, gift, or deuice bee had and made of all his fee ſimple lands, tenements, & hereditaments, or of the more part thereof. And in caſe the ſame Manors, lands, tenements & hereditaments, which after the death of any ſuch Owner & deuiſor, which ſhall make any ſuch gift, diſpoſition, or deuice by his laſt will in writing, or otherwiſe by any Act or Acts lawfully executed in his life, to his wife, children, or otherwiſe as is aforeſaid, which ſhall immediatly after his death, deſcend, reuert, remaine, or come to his heire or heires, aſwell of eſtate of inheritance in fee tayle, as of eſtate in fee ſimple, or fee tayle onely, be not or ſhall not amount or extend to the full cleare yearly value of the full third part with the full profits thereof, of all the ſaid Manors, lands, tenements, or other hereditaments of the ſaid deuiſor or owner, according to the true intent and meaning of this preſent Act: That then the King ſhall and may haue and take into his hands and poſſeſſion to make vp his full third part, with the full profits thereof, according to his intereſt therein, aſmuch of the other Manors, lands, tenements, or hereditaments willed, giuen, diſpoſed or aſſigned by any ſuch perſon to his wife, children, or otherwiſe as is aforeſaid, as with ſuch of the ſame Manors, lands, tenements or hereditaments deſcended, or by any meanes come vnto the heire, as heire of any ſuch Deuiſor or Owner, ſhall make vp the cleare yearely value of the ſaid full third part, with the full profits thereof, of all the ſaid Manors, lands, tenements, or hereditaments of euery ſuch Owner or Deuiſor ſo to bee had to the King, in title of wardſhip or primer ſeizin, as the caſe ſhall require: And the Diuiſion thereof to be had and made, & with the reſtitution of the profits of the two parts of the ſaid Manors, lands, tenements & hereditaments in ſuch manner and forme as is aboue rehearſed. And like benefit & aduantage to be giuen, had, & taken by the ſaid authority to euery Lord and Lords, of whom any ſuch Manors, lands, tenements or hereditaments, been or ſhalbe holden by knights ſeruice in manner and forme as is aboueſaid, conterning onely his or their third parts thereof; according to their ſaid intereſt therein.

And be it further enacted by the authority aforeſaid, That if it happen the ſame third part, or any part thereof, left, willed or aſſigned to the King or other Lord at any time during their intereſts therein to be lawfully euicted or determined: That then the King and the other Lord ſhall haue aſmuch of the two parts reſidue as ſhall accompliſh and make vp a full third part in cleare yearely value after the rate and portion of ſuch Manors, lands, tenements and hereditaments as ſhall then happen to remaine of the

ſame

ſame Third part, not evicted nor determined, and of the other two parts of ſuch other lands, tenements and hereditaments as the King or other Lord ſhould or ought to haue had by virtue of this preſent Act: and the ſame to bee deuided in matter and forme aboue rehearſed: any clauſe in this Act notwithſtanding.

And bee it further enacted and declared by the authority aforeſaid, that the ſauing and reſeruing for fines for alienation by any ſuch laſt Will and Teſtament of ſuch Manors, lands, tenements or hereditaments holden of the King by knights ſeruice in chiefe, or of the nature of knights ſeruice in chiefe, or by ſocage in chiefe, or of the nature of ſocage tenure in chiefe, or for fines for alienation of ſuch Manors, lands, tenements or hereditaments, whereof there ſhalbe any alteration of free-hold or of inheritance made by any ſuch laſt Will, compriſed in diuers and ſundry articles in this Act formerly mentioned: be, and ſhalbe intended, expounded, taken, deemed and adiudged by the authoritie aforeſaid: That all ſuch perſon or perſons to whom the ſaid Manors, lands, tenements or hereditaments, or any of them, be or ſhalbe giuen, diſpoſed, willed or deuiſed by any ſuch laſt Will, ſhalbe exonerated, acquitted & diſcharged for euer againſt the King, his heires and ſucceſſors, for all ſuch fines for alienations, by any ſuch laſt Will or Teſtament, without licence, by ſueing forth of the Kings pardon for alienation out of the Kings Court of Chancerie, paying to the King, his heires or ſucceſſors, for the fine of any ſuch alienation, the third part of the yearely value of the ſame Manors, lands, tenements or other hereditaments to him or them willed or deuiſed; and this Act from time to time ſhalbe a ſufficient warrant to the Lord Chancellour of Ireland, or Keeper of the great Seale for the time being for the granting out of the ſaid pardon or pardons vnder the Kings great Seale, as heeretofore hath been vſed for pardons for alienations without any further ſuite to bee made to the King for the ſame.

And it is further declared and enacted by authoritie aforeſaid, That Wills or Teſtaments made of any Manors, lands, tenements or other hereditaments by any woman couert, or perſon within the age of one & twenty yeares Idcot, or by any perſon de non ſanæ memoriæ, ſhall not be taken to be good or effectuall in the Law. And be it further enacted by the authoritie aforeſaid, That if any perſon or perſons hauing eſtate of Inheritance of & in Manors, lands, tenements or hereditaments, holden of the King by knights ſeruice in chiefe, or otherwiſe of the King by knights ſeruice, or of any other perſon or perſons by knights ſeruice, hath giuen at any time ſince the firſt day of this preſent Parliament, or hereafter ſhall giue, will, diſpoſe, or aſſigne by Will or other Act executed in his life, his manors, lands, tenements or hereditaments, or any of them by fraude or coben, to any other perſon or perſons, for terme of yeares, life or liues with one remainder ouer in fee, or

with

with diuers remainders ouer for terme of yeares, life, or in taile, with a remainder ouer in fee simple, to any person or persons, or to his or their right heires, or at any time sithence the said first day of this present Parliament hath conveyed or made, or hereafter shall convey or make by fraude or coven, contrary to the true intent of this Act, any estates, Conditions, Wenalties, tenures or conveyances, to the intent to defraude or deceiue the King of his prerogatiue, primer seizin, liuery, relieff, wardship, Marriages or rights: Or any other lord of their wardships, relieffs, heriots or other profits which should or ought to accrew, grow, or come vnto the or any of them, by, or after the death of his or their tenant, by force, and according to this present Act & declaration: and the same estates & other conueyances being found by office to bee so made or contriued by couin, fraude or deceipt, as is aboue said, contrary to the true intent and meaning of this present Act and Declaration: That then the King shall haue aswell the wardship of the body & custody of the lands, tenements and hereditaments, as liuerie, primer seizin, relieff, & other profits which should or ought to appertaine to the King, according to the true intent & meaning of this present Act, as though no such estates or conueyances by couin, had neuer been had or made, vntill the said office bee lawfully vndone by trauerse or otherwise. And that the other Lord & Lords of whom any such Manors, lands, tenements or hereditaments shalbe holden by knights seruice, as is afore said, shall haue their remedie in such cases for his or their wardships of bodies & lands, by writ of right of Ward, and shall distraine and make abourie or cognizance by themselues or their Bayliffs for their relieffs, heriots, & other profits which should haue been to them due, by or after the death of their tenant, as if no such estate or conueyance had bin had or made. Sauing & reseruing alwayes by the authority afore said, the right and title of the douees feoffees, lessees, & deuisees thereof against the said deuisor & his heires, after the interest and title of the King or other Lord therein ended & determined.

Prouided alway and bee it enacted by the authoritie afore said. That all and euery person & persons from whom the King or other Lord or Lords, shall take any Manors, lands, tenements or hereditaments for his or their full third part, or to make vp his or their third part, shall & may by authoritie of this present Act in any of the cases afore said, vpon his or their Bill exhibited in the Kings Court of Chaunceric against all and euery such person and persons which shalbe intituled by or vnder any such will, gift, disposition or deuise to the other two parts, haue such contribution or recompence for the same, as by the Chauncellour of Ireland, or by the keeper of the great Seale of Ireland for the time being shal be thought good and conuenient.

CAP. III.

An Act against Covenous and fraudulent Conveyances.

FOrasmuch as not onely the Kings most excellent Maiestie, but also diuers of his Highnes good and louing Subiects, & bodies politique & corporate, after conveyances obtained or to be obtayned, & purchases made or to be made, of lands, tenements, leases, estates & hereditaments, for money, or other good considerations, may haue, incurre and receiue great losse & preiudice, by reason of Fraudulent & Covenous Conveyances, estates, gifts, grants, charges and limitations of vses heeretofore made, or heereafter to be made, of, in, or out of lands, tenements or hereditaments so purchased or to be purchased, which said gifts, grants, charges, estates, vses & conveyances were, or heereafter shalbe meant or intended by the parties that so make the same, to be fraudulent and covenous, of purpose and intent to deceiue such as haue purchased or shall purchase the same, or else by the secret intent of the parties the same be to their owne proper vse, and at their free disposition, coloured neuertheles by a fayned countenance and shew of words and sentences, as though the same were made bona fide for good causes, and vpon iust and lawfull considerations: for remedy of which inconueniences, and for the auoyding of such fraudulent, fayned, and covenous conveyances, gifts, grants, charges, vses, and estates, and for the maintenance of vpright and iust dealing in the purchasing of lands, tenements & hereditaments. Be it ordained and enacted by the authority of this present Parliament, that all and euery conueyance, grant, charge, lease, estate, incumbrance and limitation of vse or vses, of, in, or out of any lands, tenements, or other hereditaments whatsoeuer, had or made any time heretofore sithence the beginning of the raigne of King Iames his Maiestie of famous memorie, or at any time heereafter to be had or made, for the intent and of purpose to defraud and deceiue such person or persons, bodies politique or corporate, as haue purchased, or shall afterwards purchase in fee simple, fee tayle, for life, liues or yeares, the same lands, tenements and hereditaments, or any part or parcell thereof, so formerly conueyed, granted, leased, charged, incumbred, or limited in vse, or to defraud and deceiue such as haue, or shall purchase any rent, profit or commoditie, in or out of the same, or any part thereof, shalbe deemed and taken onely as against that person or persons, bodies politique and corporate, his and their heires, successors, executors, administrators and assignes, and against all and euery other person and persons lawfully hauing or claiming by, from or vnder them, or any

of

of them or to their or any of their vſe or vſes which haue purchaſed or ſhall hereafter ſo purchaſe for money or other good conſideratiõ, the ſame lands, tenements, or hereditaments, or any part or parcell thereof, or any rent, profit or commoditie, in or out of the ſame, to be vtterly voyde, fruſtrate, and of none effect: Any pretence, colour, fayned conſideration, or expreſſing of any vſe or vſes, to the contrary notwithſtanding.

And be it further enacted by the authoritie aforeſaid, That all and euery the parties to ſuch, fayned, couenous and fraudulent gifts, grants, leaſes, charges or conueyances before expreſſed, or being priuie and knowing of the ſame, or any of them which after the firſt day of May next comming, ſhall wittingly and willingly put in vre, avowe, maintaine, iuſtifie or defend the ſame, or any of them, as true, ſimple and done, had or made bona fide, or vpon good conſideration to the diſturbance or hinderance of the ſaid purchaſer or purchaſers, leſſees or graunters, or of, or to the diſturbance or hinderance of their heires, ſucceſſors, executors, adminiſtrators or Aſſignes, or ſuch as haue, or ſhall lawfully claime any thing by, from, or vnder them, or any of them, or to their or any of their vſe or vſes, ſhal incurre the penaltie and forfeiture of one yeares value of the ſaid lands, tenements and hereditaments ſo purchaſed or charged, the one moytie whereof to be to the Kings Maieſtie, his heires and ſucceſſors, and the other moytie to the perſon or perſons grieued by ſuch fayned and fraudulent gift, grant, leaſe, conueyance, incumbrance or limitation of vſe, to be recouered in any of the Kings Courts of record, by action of debt, bill, plaint or information, wherein no eſſoyne, protection, or wager of law ſhalbe admitted for the defendant or defendants. And alſo being thereof lawfully conuicted, ſhall ſuffer impriſonment for one halfe yeare, without baile or mainprize.

Prouided alſo and be it enacted by the authority aforeſaid, that this Act or any thing therein contained, ſhall not extend or be conſtrued to impeach, defeat, make voyde, or fruſtrate any conueyance, aſſignment of leaſe aſſurance, grant, charge, leaſe, eſtate, intereſt or limitation of vſe or vſes, of, in, to, or out of any lands, tenements or hereditaments heretofore at any time had or made, or hereafter to be had or made, vpon or for good conſideration and bona fide, to any perſon or perſons, bodies politique or corporate, any thing before mentioned to the contrary hereof notwithſtanding.

And be it further enacted by the authoritie aforeſaid, That if any perſon or perſons haue heeretofore, ſithence the beginning of the raigne of our late moſt gracious Soueraigne Lord King Iames of euer bleſſed memory, made, or hereafter ſhall make any conueyance, gift, grant, demiſe, charge, limitation of vſe or vſes, or aſſurance of, in, or out of any lands, tenements or hereditaments, with any clauſe, prouiſion, article or condition of reuocation, determination or alteration, at his or their will or pleaſure of ſuch

conueyance, assurance, grants, limitations of vses or estates, of, in, or out of the said lands, tenements, or hereditaments, or of, in, or out of any part or parcel of them contained or mentioned in any writing, deed, or Indenture of such assurance, conueyance, graunt or gift: and after such conueyance, grant, gift, deuice, charge, limitation of vses or assurance so had or made, shall or doe bargaine, sell, demise, graunt, conuey, or charge the same lands, tenements, or hereditaments, or any part or parcell thereof, to any person or persons, body politique or corporate, for money or other good consideration payd or giuen, the said first conueyance, assurance, gift, grant, demise, charge or limitation, not by him or them reuoked, made voyde, or altered, according to the power and authoritie reserued and expressed vnto him or them, in and by the said secret conueyance, assurance, gift or grant, that then the said former conueyance, assurance, gift, demise, and grant, as touching the said lands, tenements or hereditaments so after bargained, sold, conueyed, demised, or charged against the said barganees, vendees, lessees, grauntees, & euery of them, their heires, successors, executors, administrators & assignes, and against all and euery person and persons, which haue, shall, or may lawfully claime any thing, by, from or vnder them, or any of them, or to their or any of their vse or vses, shalbe deemed, taken and adiudged to be voyd, frustrate and of none effect, by vertue and force of this present Act. Prouided neuertheless, that no lawful morgage made or to be made bona fide, and without fraud or couin, vpon good consideration, shall be impeached or impaired by force of this Act, but shall stand in like force & effect as the same should haue done, if this Act had neuer been had or made, any thing in this Act to the contrary in any wise notwithstanding.

And be it further enacted by the authority aforesaid, that all the whole tenor & contents of all statutes marchants, & statutes of the staple, hereafter to be acknowledged, shal within six moneths next after such knowledging, be entred in the office of the Clerke of the Recognisances in his Maiesties high Court of Chancery in this Realme of Ireland, by the shewing forth of the said statute marchant, or statute staple so knowledged vnto the said Clarke, which said Clarke of Recognisance shall enter or cause to bee entred the same statutes into a booke for that purpose to be prouided & safely kept by him, taking eight pence sterling & no more for euery such entry. And bee it further enacted, that if the party to whom any such statute marchant, or of the staple shalbe knowledged, his executors or administrators, doe or shall not within foure moneths next after the knowledging of any such statute, bring & deliuer, or cause to be brought & deliuered vnto the said Clarke, or to his Deputie or Deputies for the time being, all and euery such statute & statutes as shalbe so knowledged to him or to his vse, whereby & to the intent that the said Clarke his Deputie or Deputies may take

take and enter a true Coppy thereof, that then euery such statute Marchant and of the staple not so entred, shalbe voyde, frustrate, & of none effect, against all and euery such person and persons, and bodies politique and corporate, their heires, successors, executors, administrators and assignes onely, as shal after the knowledging of the said said statutes, or any of them purchase for money or other good consideration, the lands, tenements, or hereditaments, which were lyable to the same statute Marchant, or the staple, or any part or parcell thereof, or any rent, lease or profit, of or out of the same. And if the said Clarke, or his Deputie or Deputies for the time being, shall not vpon such shewing & deliuery vnto him or them, of any statute Marchant, or of the staple, enter or cause to be entred, the same in his said booke, within the said time of sixe moneths, and also indorse vpon euery such statute so by him entred, the day and yeare of his said entrie, with his or their owne name: that then euery such Clarke fayling or defectiue in that behalfe, shall forfeit and loose for euery statute Marchant, and of the Staple so brought vnto him or them, and not entred and indorsed, as is aforesaid, the summe of twenty pounds, the one moitie whereof to be to the Kings Maiesty his heires and successors, and the other moitie to him or them that will sue for the same in any of the Kings Courts of Record, by action of debt, bill, plaint, or information, wherein no essoyne, protection, or wager of law shalbe allowed.

And be it further enacted by the authority aforesaid, That no Clarke of the said Recognisance shall or may take, for or in respect of any search to be made, for or concerning any statute marchant, or of the staple, so to be entred as aforesaid, aboue two pence for one yeares search, and so after the rate of two pence for euery yeare, and not aboue, upon paine to forfeit and loose to the party or parties grieued thereby, twenty times asmuch as hee shall take, contrary to the true meaning of this Act, to be recouered in any of the Kings Maiesties Courts of Records, by action of debt, bill, plaint, or information, wherein no protection or wager of law shal be allowed. Prouided alwayes that this Act, nor any thing therein contayned, shall extend or be construed to make good any purchase, Grant, lease, charge, or profits of, in, or out of any lands, tenements, or hereditaments heretofore made voyde, defeated, or vndone, by reason of any former conueyance, grant or assurance, so as the partie or parties, or their heires or assignes, which haue so defeated or made voyde the same, were in actuall possession the first day of this present Parliament, of, or in the said lands, tenements or hereditaments, whereof, or out of the which any such purchase, grant, lease, charge or profit was made.

And furthermore for the avoyding and abolishing of fayned, couenous, and fraudulent Feoffments, gifts, grants, alienations, conueyances, bonds, suites, iudgments and executions, aswell of

lands, and tenements, as of goods and chattles, more commonly vsed & practised in these dayes, then hath beene seene or heard of heeretofore. Which Feoffments, gifts, grants, alienations, bonds, suites, iudgments & executions haue beene & are deuised & contriued of malice, fraud, couin, collusion or guile, to the end, purpose & intent to delay, hinder or defraud Creditors and others of their iust & lawfull actions, suits, debts, accompts, damages, penalties, forfeitures, herriots, mortuaries, and reliefs, not onely to the lett or hinderance of the due course or execution of law & iustice, but also to the ouerthrow of all true and plaine dealing, bargaining and chcuisance betweene man and man, without the which no Commonwealth or ciuill societie can be maintained or continued.

Be it therefore further declared, ordained and enacted by the authoritie of this present Parliament, that all and euery Feoffment, gift, grant, alienation, bargaine and conueyance of lands, tenements, hereditaments, goods and chattles, or of any of them, or of any lease, rent, common, or other profit or charge out of the same lands, tenements, hereditaments, goods and chattles, or any of them by writing or otherwise: and all and euery bond, suit, iudgment and execution at any time had or made sithence the beginning of the raigne of his said late Maiestie King Iames of blessed memory, or at any time hereafter to be had or made, to or for any intent or purpose before declared and expressed, shalbe from henceforth deemed and taken onely as against that person or persons, his or their heires, successors, executors, administrators and assignes, and euery of them whose actions, suits, debts, accompts, damages, penalties, forfeitures, heriots, mortuaries and reliefs, by such guilefull, couenous or fraudulent deuices & practices as is aforesaid, are, shall or mought be in any wise disturbed, hindered, delayed or defrauded, to be clearely and vtterly voyde and of none effect, any pretence, colour, fayned consideration, expressing of vse or any other matter or thing to the contrary notwithstanding.

And it is further enacted by the authoritie aforesaid, That all and euery the parties, to such fayned, couenous or fraudulent feoffment, gift, grant, alienation, bargaine, conueyance, bonds, suits, iudgments, executions, and other things before expressed, or being priuy & knowing of the same, or any of them, which at any time after the first day of May next comming, shall wittingly and willingly put in vre, avow, maintaine, defend or iustifie the same, or any of them as true, simple and done, had or made bona fide, and vpon good consideration, or shall alien or assigne any the lands, tenements, goods, leases, or other things before mentioned to him or them, conueyed as is aforesaid, or any part thereof, shall incurre the penaltie or forfeiture of one yeares value of the said lands, tenements, hereditaments, leases, rents, commons or other profits, of, or out of the same. And the whole value of the said goods and chattles, and also so much money, as is or shalbe contained

tayned in any ſuch couenous and fayned bonds, the one moytie whereof to be to the Kings Maieſtie, his heires and ſucceſſors, & the other moytie to the party or partyes gricued, by ſuch fayned & fraudulent feoffment, gift, grant, alienation, bargain, conueyance, bonds, ſuites, iudgments, executions, leaſes, rents, commons, profits, charges, & other things aforeſaid, to be recouered in any of the Kings Courts of Record, by action of debt, bill, plaint or information, wherein none eſſoyne, protection or wager of law ſhalbe admitted for the Defendant or Defendants, and alſo being thereof lawfully conuicted, ſhall ſuffer impriſonment for one halfe yeare, without baile or mainprize.

Prouided alwayes, and bee it further enacted by the authority aforeſaid, that whereas ſundry common recouveryes of lands, tenements, & hereditaments, haue heretofore been had, & hereafter may be had againſt tenant in tayle, or other tenant of freehold, the reuerſion or remainder, or the right of reuerſion or remainder then being in any other perſon or perſons, that euery ſuch common recouery heretofore had, & hereafter to be had, of any lands, tenements or hereditaments, ſhall as touching ſuch perſon & perſons, which then had any remainder or reuerſion, or right of remainder or reuerſion, & againſt the heires of euery of them, ſtand, remaine & be, of ſuch like force & effect, & of none other as the ſame ſhould haue beene, if this Act had neuer beene had or made.

Prouided alwayes, and bee it further enacted by the authority aforeſaid, that this Act or any thing therein contayned, ſhall not extend to make voyd any eſtate or conueyance, by reaſon whereof any perſon or perſons ſhall vſe any vowcher in any writ of formedon, now depending, or hereafter to be depending, but that all and euery ſuch vouchers in any writ of formedon, ſhall ſtand & bee in like force & effect, as if this Act had neuer been had nor made, any thing before in this Act contained to the contrary notwithſtanding.

Prouided alſo, & be it enacted by the authoritie aforeſaid, That this Act, or any thing therein contayned, ſhall not extend to any ſtate or intereſt, in lands, tenements, hereditaments, leaſes, rents, commons, profits, goods or chattles, had, made, conueyed or aſſured, or hereafter to be had, made, conueyed or aſſured: which eſtate or intereſt, is or ſhalbe vpon good conſideration, & bona fide lawfully conueyed or aſſured, to any perſon or perſons, or bodies politique or corporate, not hauing at the time of ſuch conueyance or aſſurance to them made, any manner of notice or knowledge of ſuch couin, fraud, or colluſion, as is aforeſaid: any thing before mentioned to the contrary hereof notwithſtanding.

Prouided alwayes, that this Act or any thing therein contayned, ſhall not extend in any ſort to reſtraine or impaire the iuriſdiction, power or authority of the high Court of Caſtle Chamber.

CAP. IIII.

CAP. IIII.

An Act concerning Grantees of Reuersions to take advantage of Breaches of Conditions &c.

VVHere before this time diuers aswell Temporall as Ecclesiasticall & religious persons haue made sundry Leases, Dimises & Grants to diuers other persons, of sundry Manors, Lordships, Farmes, Meales, Lands, Tenements, Meadowes, Pastures, or other Hereditaments for terme of life or liues, or for terme of yeares by writing vnder their Seale or Seales containing certaine conditions, couenants and agreements to be performed as well on the part and behalfe of the said Lessees and Grantees, their executors and assignes, as on the behalfe of the said Lessors & Grantors, their heires and successors. And forasmuch as by the Common Law of this Realme, no stranger to any couenant, action or condition, shall take any aduantage or benefit of the same by any meanes or wayes in the Law, but onely such as be parties or priuie thereunto, by the reason whereof aswell all Grantees of Reuersions, as also all Grantees and Patentees of the King our Soueraigne Lord, & of his Predecessors, of sundry Manors, Lordships, Granges, Farmes, Meales, Lands, Tenements, Meadowes, Pastures, or other Hereditaments late belonging to Monasteries and other religious and Ecclesiasticall Houses, dissolued, suppressed, renounced, relinquished, forfeited, giuen vp, or by other meanes come to the hands & possession of the Kings Maiestie, or of some of his Predecessors, since the last day of April, in the eight and twentieth yeare of the Reigne of King Henry the Eight of famous memory, be excluded to haue any entrie or action against the said Lessees & Grantees, their executors or assignes, which the Lessors before that time might by the Law haue had against the same Lessees, for the breach of any Condition, couenant or agreement compriſed in the Indentures of their said Leases, Demises & Grants.

Be it therefore enacted by the King our Soueraigne Lord, the Lords spirituall & temporall, and the Commons in this present Parliament assembled, & by the authority of the same, that aswell all & euery person and persons & bodies politicke, their heires, successors & assignes, which haue and shall haue any gift or grant of our said Soueraigne Lord, or of any his Predecessors, by Letters Pattents, of any Lordships, Manors, Lands, Tenements, Rents, Parsonages, Tithes, Portions, or any other Hereditaments, or of any reuersion or reuersions of the same, which did belong & appertaine to any of the said Monasteries & other religious & Ecclesiasticall Houses dissolued, suppressed, relinquished, for-

forfeited, or by any other meanes come to the Kings hands since the said last day of Aprill, in the eight and twentieth yeare of the reigne of K. Henry the 8, or which at any time heretofore did belong or appertaine to any other person or persons, & after came to the hands of our said Soueraigne Lord, or any of his Predecessors, as also all other persons being grantees or assignees to, or by the Kings Maiesty, or to, or by any other person or persons, then the Kings Highnes, and their heires, executors, successors & assignes, & euery of them, shall & may haue and enioy like aduantage against the Lessees, their executors, administrators & assignes by entrie for non-payment of the Rent, or for doing of waste or other forfeiture, and also shall and may haue and enioy all and euery such like and the same aduantage, benefit and remedyes, by actions onely, for not performing other conditions, couenants or agreements contayned & expressed in the Indentures of their said Leasses, Demises or grantes against all and euery the said Leassees and Farmors, & Grauntees, their executors, administrators and assignes, as the said Leassors or Grantors themselues, or their heires or successors, ought, should, or might haue had and enioyed at any time or times in like manner and forme as if the reuersion of such lands, tenements or hereditaments had remained and continued in the said Grantors or Leassors, their heires or successors.

Moreouer be it enacted by the authoritie aforesaid, that all Farmors, Leassees and Grantees of Lordships, Manors, Lands, Tenements, Rents, Parsonages, Tithes, Portions, or other Hereditaments, for tearme of yeares, life or liues, their executors, administrators & assignes, shall and may haue like action, aduantage & remedie against all and euery person and persons, & bodies politicke, their heires, successors and assignees, which haue or shall haue any gift or grant of the Kings Maiesty, or of any other person or persons of the reuersion of the same Manors, lands, tenements, and other hereditaments so letten, or any parcell thereof, for any condition, couenant or agreement contained or expressed in the Indentures of their Lease & Leases, as the same Leassees or any of them, might and should haue had against the said Leassors and Grantors, their heires or successors (all benefits and aduantages of Recoueries in value, by reason of any warrantie in deed or law, by vouches or otherwise onely excepted. Prouided alwayes, that this Act, nor any thing or things therein contained shall extend to hinder or charge any person or persons for the breach of any couenant or conditiō compriſed in any such writing, as is aforesaid, but for such Couenants & Conditions as shall be broken or not performed after the first day of May next comming, and not before, any thing before in this Act contained to the contrary thereof notwithstanding.

CAP. V.

An Act for the Recovery of Arrerages of Rents by Executors of Tenant in Fee ſimple.

FOraſmuch as by the order of the Common Law, the Executors or Adminiſtrators of Tenants in fee ſimple, Tenants in fee tayle, and Tenants for tearme of lives, of Rents ſeruices, Rents charges, Rents Seekes and fee Farmes, haue no remedy to recouer ſuch arrerages of the ſaid Rents or fee Farmes, as were due vnto their Teſtators in their lives, nor yet the heires of ſuch Teſtators, nor any perſon hauing the reuerſion of his eſtate after his deceaſe, may diſtraine or haue any lawfull action to levie any ſuch arrearages of Rents, or of the fee Farmes due vnto him in his life, as is aforeſaid, by reaſon whereof the Tenants of the demeane of ſuch lands, tenements or hereditaments, out of the which ſuch Rents were due and payable, who of right ought to pay the Rents and Farmes at ſuch dayes and tearmes as they were due, doe many times keepe, hold and retaine ſuch arrerages in their owne hands, ſo that the Executors and Adminiſtrators of the perſons to whom ſuch Rents or fee Farmes were due, cannot haue or come by the ſaid arrerages of the ſame, towards the payment of the debts, and performance of the Will of the ſaid Teſtator. For remedy whereof be it enacted by the authority of this preſent Parliament, that the Executors and Adminiſtrators of euery ſuch perſon or perſons vnto whom any ſuch Rent or fee Farme is or ſhalbe due, and not payed at the time of his death, ſhall and may haue an action of debt for all ſuch arrerages againſt the Tenant or Tenants that ought to haue payed the ſaid Rent or Fee Farme, ſo being behinde in the life of their Teſtator, or againſt the Executors and Adminiſtrators of the ſaid Tenants. And alſo furthermore it ſhalbe lawfull to euery ſuch Executor and Adminiſtrator of any ſuch perſon or perſons vnto whō ſuch rent or fee farme ſhalbe due, and not payed at the time of his death as is aforeſaid, to diſtraine for the Arrerages of all ſuch Rents & Fee Farme vpon the lands, tenements, and other hereditaments, which were charged with the payment of ſuch Rents or Fee Farmes, and chargeable to the diſtreſſe of the ſaid Teſtator, ſo long as the ſaid lands, tenements, or hereditaments continue, remaine & be in the ſeiſon or poſſeſſion of the ſaid poſſeſſion in demeane, who ought immediatly to haue payed the ſaid Rent or Fee Farme ſo being behinde to the ſaid Teſtator in his life, or in the ſeiſon or poſſeſſion of any other perſon or perſons, claiming the ſaid lands, tenements, & hereditaments only by and from the ſame Tenant, by purchaſe, gift, or diſcent, in like manner and forme as

their

their said Testator might or ought to haue done in his life-time: And the said Executors and Administrators shall for the same distresse, lawfully make avowry vpon their matter aforesaid.

And further be it enacted by the authoritie aforesaid, That if any man which now hath, or hereafter shall haue in the right of his wife any estate in fee simple, fee tayle, or for tearme of life, of or in any Rents or Fee Farmes, and the same Rents or Fee Farmes now be, or hereafter shall be due behinde, and vnpayed in the said wifes life, then the said husband after the death of his said wife, his Executors & Administrators shall haue an action of debt for the said Arrerages against his tenant of the demeane that ought to haue payed the same, his Executors or Administrators. And also the said husband after the death of his said wife, may distraine for the said arrerages in like manner and forme as hee might haue done, if his said wife had beene then liuing, & make advowry vpon his matter as is aforesaid.

And likewise it is further enacted by the authoritie aforesaid, That if any person or persons which now hath, or hereafter shall haue any Rents or Fee Farmes for tearme of life or lives of any other person or persons, and the said Rent or Fee Farme now be, or hereafter shalbe due, and behinde and vnpayed in the life of such person or persons, for whose life or lives, the estate of the said rent or fee farme did depend or continue, and after the said person or persons doe dye, then he vnto whom the said Rent or Farme was due in forme aforesaid, his Executors and Administrators shall & may haue an action of debt against the tenant in demeane, that ought to haue payed the same when it first was due, his Executors and Administrators, and also distraine for the same Arrerages vpon such lands, and tenements, out of the which the said Rents or Fee-farmes were issuing and payable in such like manner and forme as he ought or might haue done, if such person or persons by whose death the aforesaid estate in the said Rents and Fee Farmes was determined and expired, had beene in full life, and not dead. And the avowry for the taking of the said distresse, to be made in manner and forme aforesaid.

CAP. VI.

An Act for limitation of actions, and for avoyding of Suites in Law.

FOrasmuch as the time of limitation appointed for sueing of writs of right, and other writs of possession & seizin of mens Auncestors or Predecessors, or of their owne possession or seizin by the Lawes and Statutes of this Realme, heretofore made, limi-

ted & appointed, extend and be of so farre and long time past, that it is aboue the remembrance of any liuing man, truely to try and know the perfect certaintie of any such things as haue or shall come in tryall, or doe extend vnto the time & times limited by the said Lawes & Statutes, to the great danger of mens consciences, that haue or shalbe impanelled in any Iury for the tryall of the same. And also it is a great occasion of much trouble, vexation & suites to the Kings louing Subiects at the Common Law of this Realme, So that no man, although he and his Ancestors, & those whose estates he or they haue, haue been in peaceable possession for many yeares, of and in lands, tenements, & other hereditaments, is or can be in any suretie, quietnes or rest, of and in the same, without good remedie and reformation be had, made & prouided for the same.

Be it therefore enacted by the King our Soueraigne Lord, the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by the authority of the same, That no manner of person or persons shall from henceforth sue, haue, or maintaine any writ of right, or make any prescription, title or clayme, to or for any Manors, lands, tenements, rents, annuities, commons, pensions, portions, Corodies, or other hereditaments, of the possession of his or their Ancestor or predecessor, & declare and alledge any further seizin or possession of his or their Ancestor or predecessor, but onely of the seizin or possession of his Ancestor or predecessor, which hath been, or now is or shalbe seized of the said Manors, lands, tenements, rents, annuities, commons, pensions, portions, corodies, or other hereditaments, within threescore yeares next before the Teste of the same writ, or next before the said prescription, title or clayme so hereafter to be sued, commenced, brought, made or had.

And be it further enacted by the authoritie aforesaid, That no manner of person or persons shall hereafter sue, haue, or maintaine any Assize of Mortdancestor, writ of cosenage, Aile, or of entry vpon disseizin, done to any of his Ancestors or predecessors, or any other action possessorie vpon the possession of any his Ancestors or predecessors, for any manors, lands, tenements, or any other hereditaments, of any further seizin or possession of his or their Ancestors, or predecessors, but only of the seizin or possessiō of his or their ancestors, or predecessors, which was, or is, or hereafter shalbe seized of the same Manors, lands, tenements, or other hereditaments, within fiftie yeares next before the Teste of the originall of the same writ hereafter to be brought.

And be it further enacted by the authoritie aforesaid, That no person or persons shall hereafter sue, haue or maintaine any action for any Manors, lands, tenements, or other hereditaments, of or vpon his or their owne seizin or possession therein aboue twenty yeares next before the Teste of the originall of the same writ hereafter to be brought.

And

And be it further enacted by the authoritie aforesaid, That no person or persons shall hereafter make any avowry or cognizance for any rent, suite or seruice, and alledge any seizin of any rent, suit or seruice in the same avowrie or cognizance, in the possession of his or their Ancest ors or Ancest ors, predecessor or predecessors, or in his or their owne possession, or in the possession of any other, whose estate he or they shall pretend or clayme to haue aboue forty yeares, next before the making of the said avowrie or cognizance.

And ouer that, be it enacted by the authoritie aforesaid, That all writs of formedon in the discender, formedon in the remainder, formedon in the reverter, and scire facias upon fines or recoueries of any Manors, lands, tenements, or other hereditaments whatsoeuer, at any time hereafter to bee sued or brought, shalbe sued and taken within twenty yeares next after the Title & cause of action first discended, accrued or fallen, and at no time after the said twentie yeares.

And be it further enacted by the authoritie aforesaid, That if any person or persons at any time hereafter doe sue any of the said writs or actions for any Manors, lands, tenements, or other hereditaments whatsoeuer, or make any avowrie, cognizance, prescription, title or clayme, of or for any rent, suit, seruice, or other hereditaments, and cannot proue that he or they, or his or their Ancest ors or predecessors were in actuall possession and seizin, of and in the said Manors, lands, tenements, rents, suites, seruices, annuities, commons, pensions, portions, corodies, or other hereditaments at any time or times within the yeares respectiuely and severally before limited and appointed in this present Act, and in manner and forme as is aforesaid, if the same be trauersed or denyed by the party plaintiffe, demandant or avowant, or by the party Tenant or Defendant; That then and after such tryall therein had, all and euery such person or persons, and their heires shall from thencefoorth be vtterly barred for euer of all and euery the said writs, actions, avowries, cognizance, prescription, title and claime hereafter to be sued, had or made, of and for the same Manors, lands, tenements, hereditaments, or other the premisses, or any part of the same, for the which the same actions, avowrie, cognizance, prescription, title or clayme hereafter shalbe at any time had, sued or made.

Prouided alwayes, and bee it enacted by the authority aforesaid, That all and euery person and persons which now haue any of the said Actions, writs, avowries, scire facias, cognizance, prescription, title or clayme depending, or that hereafter shall sue, commence, make or bring any of the said writs or actions, or scire facias, or make any of the said avowries, cognizances, prescription, titles or clayme at any time before the feast of the Ascension of our Lord God, which shalbe in the yeare of our Lord God, 1640.

ſhall alledge the ſeizin of his or their Anceſtors, or predeceſſors or his owne poſſeſſion and ſeizin, & alſo haue all other like aduantage to all intents and purpoſes in the writs, actions, ſcire facias, abouries, cognizances, preſcriptions, titles and clayme, as hee or they might haue had at any time before the making of this Statute this Act or any thing therein contained to the contrary notwithſtanding.

Prouided alſoand bee it further enacted by the authoritie aforeſaid, That if any perſon or perſons being now within the age of one & twenty yeares, or Couert Baron non compos mentis, or in priſon, or out of this Realme of Ireland, now hauing cauſe to haue, ſue, commence, make, or bring any of the ſaid Writs, or actions, or to make any abowries, cognizance, preſcriptions, titles or claymes, that it ſhalbe lawfull to ſuch perſon and perſons being within age, Couert Baron, non compos mentis, in priſon, or out of this Realme, to ſue, commence, or bring any of the ſaid Writs or actions, or make any of the ſaid abowries, cognizances, preſcriptions, titles or claymes, at any time within fiue yeares after ſuch perſon or perſons, now being within age, ſhall accompliſh the age of one & twenty yeares, or within fiue yeares next after ſuch perſon or perſons, now being Couert Baron, ſhalbe ſole or within fiue yeares next after ſuch perſon or perſons, now being non compos mentis, ſhall become of ſane memorie, or within ſix yeares next after ſuch perſon or perſons now being in priſon, ſhalbe at his libertie, or within ſix yeares next after ſuch perſon or perſons now being out of this Realme, ſhall come and be within this Realme, & tha euery ſuch perſon & perſons in their ſaid actions, writs, abowries, cognizances, preſcriptions, titles or claymes to be made, ſued, or commenced within the ſaid ſix yeares, ſhall alledge within the ſaid fiue yeares, the ſeizin of his or their Anceſtors or predeceſſors, or of his own poſſeſſion, or the poſſeſſion of thoſe whoſe eſtate he ſhall then clayme: And alſo within the ſame fiue yeares ſhall haue all and euery like aduantages to all intents and purpoſes in the ſame, as he or they might haue had before the making of this Act, and as though this Act had neuer beene had nor made: this Act or any thing therein contained to the contrary notwithſtanding.

Prouided alſo, that if it happen that any perſon or perſons now being within age or Couert Baron, non compos mentis, Idiot, in priſon, or out of this Realme, hauing cauſe to ſue, commence, make or bring any the ſaid Writs, actions, abowries, cognizances, preſcriptions, title or clayme to deceaſe within age, or being Couert, non compos mentis, or Idiot, or during the time he or they ſhalbe in priſon, or out of this Realme, or to deceaſe within fiue yeares next after ſuch perſon or perſons ſhall accompliſh his or their full age or ſhalbe at large within this Realme, or ſhall become ſole, or of ſound memorie, and no Determination or iudgment had or

titles, actions or rights ſo to them accrued: That then the next heire or heires of ſuch perſon or perſons being in priſon, or out of this Realme, or within age, or being Couert Baron, non compos mentis, or Idcot, ſo dying, ſhall haue and enioy all and euery ſuch libertie and aduantage to ſue, demaund, avow declare or make the ſaid titles, claymes & preſcriptions within ſixe yeares next after the death of any ſuch perſon or perſons now impriſoned, or being out of this Realme, or within age, or Couert Baron, non compos mentis, or Idcot, in ſuch or like manner and forme to all intents & purpoſes as the ſame Infant after his full age, or the ſaid woman Couert, after the death of her huſband, or the ſame perſon being out of this Realme, after his repaire or comming into the ſame, or the ſaid perſon impriſoned after his enlargement, and comming out of priſon, or the ſaid non compos mentis after his comming to ſound memorie, ſhould or might haue had within ſixe yeares then next enſuing by force & virtue of the prouiſion laſt before rehearſed: any thing in this Act contayned to the contrary thereof in any wiſe notwithſtanding.

Prouided alſo, that if any perſon or perſons before the ſaid feaſt of the Aſcenſion of our Lord God, which ſhalbe in the yeare of our Lord God 1640. commence and ſue any of the ſaid actions or writs, or make any avowry, preſcription, title or clayme, and the ſame action, writ, avowry, cognizance, preſcription, title or claime happen by the death of any the parties to the ſame to be abated before iudgement or determination thereof had, that then the ſaid perſon or perſons being demandants or avowants, or making any ſuch cognizance, preſcription, title or clayme, being then alive, & if not, then the next heire or heires of ſuch perſon or perſons ſo deceaſed, may commence and purſue his or their action & ſuite, or make his or their avowry, cognizance, preſcription, title or clayme for or vpon the ſame matter within one yeare next after ſuch action or ſuite abated, & ſhall haue & enioy all & euery ſuch libertie and aduantage to ſue, demand, avow, declare, or make the ſaid titles, claymes & preſcriptions within the ſaid one yeare, as the demandant or demandants in ſuch writs or ſuites abated, or as ſuch as did avowe or make cognizance, title or clayme, or preſcription, ſhould or might haue done, had vſed, made or enioyed in the ſaid former action or ſuite: any thing in this Act to the contrary notwithſtanding.

Prouided furthermore, that if any falſe verditt happen hereafter to be giuen or made in any of the ſaid actions, ſuites, avowries, preſcriptions, titles or claymes, that then the party grieued by reaſon of the ſame, ſhall and may haue his attaint vpon euery ſuch verdict ſo giuen or made, & the plaintiffe in the ſame attaint vpon iudgment for him giuen, ſhall haue his recouery, execution, & other aduantage in like manner and forme as heretofore hath been vſed & accuſtomed: any thing before in this Act contayned to the

contrary

contrary thereof notwithstanding.

And for the further quieting of mens estates, and avoyding of suites: Be it further enacted by the Kings most excellent Maiesty, the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, & by the authority of the same, That no person or persons that now hath any right, or title, of Entrie into any Manors, lands, tenements, or hereditaments, now held from him or them, shall thereunto enter, but within twenty yeares next after the end of this present Parliament, or within twenty yeares next after any other title of entrie accrued. And that no person or persons shall at any time hereafter make any Entrie into any lands, tenements, or hereditaments, but within twenty yeares next after his or their right or title, which shall hereafter first discend or accrue to the same: and in default thereof such persons so not entring, & their heires, shalbe vtterly excluded & disabled from such Entrie after to bee made: any former Law or Statute to the contrary notwithstanding.

Prouided neuertheless, that if any person or persons that hath or shall haue such right or title of Entrie, be, or shalbe at the time of the said right or title first discended, accrued, come, or fallen within the age of one & twenty yeares, femme Couert, non compos mentis, imprisoned, or beyond the seas: That then such person & persons, and his & their heire & heires, shall or may notwithstanding the said twenty yeares be expired, make his entry as he might haue done before this Act. So as such person and persons, or his or their heire & heires, shall within ten yeares next after his or their full age, discouerture, comming of sound minde, inlargement out of prison, or comming into this Realme, or death, take benefite of the same, & at no time after the said ten yeares.

And be it further enacted, that all actions of trespasse, Quare clausum fregit, all actions of trespasse, detinue, action sur Trouer & Conuersion, & Replevin for taking away of goods & Cattell, all actions of Accompt, and vpon the Case, (other then such accompts as concerne the trade of merchandize between Merchant & Merchant, their Factors or Seruants,) all actions of debt grounded vpon any lending or contract, without specialtie, all actions of deb. for arrerages of rents, & all actions of assault, menace, batterie, wounding & imprisonment, or any of them which shalbe sued or brought at any time after the end of this present Parliament shalbe commenced & sued within the time & limitation hereafter expressed, & not after (That is to say) The said actions vpon the Case (other then for slander) & the said Actions for accompt, & the said Actions for trespasse, debt, detinue, & replevin for goods & cattell, and the said Actions for trespasse, Quare clausum fregit, within three yeares next after the end of this present Parliament, or within sixe yeares next after the cause of such actions of suite, and not after. And the said actions of trespasse, of assault, batterie, wounding.

wounding, impriſonment, or any of them within one yeare next after the end of this preſent Parliament, or within foure yeares next after the cauſe of ſuch actions or ſuites, & not after. And the ſaid actions vpon the Caſe for words, within one yeare after the end of this preſent Parliament, or within two yeares next after the words ſpoken, and not after.

And neuertheles be it enacted, that if in any of the ſaid laſt mentioned actions or ſuites, Iudgment be giuen for the plaintiffe, and the ſame be reuerſed by Error or a verdict paſſe for the plaintiffe. & vpon matter alledged in arreſt of Iudgment, the Iudgment be giuen againſt the plaintiffe, that hee take nothing by his plaint, writ, or bill, or if any the ſaid actions ſhalbe brought by originall, and the defendant therein bee outlawed, & ſhall after reuerſe the outlawry, that in all ſuch caſes the party plaintiffe, his heires, executors or adminiſtrators, as the caſe ſhall require, may commence a new action or ſuite from time to time within a yeare after ſuch Iudgment reuerſed, or ſuch Iudgment giuen againſt the plaintiff or outlawry reuerſed, and not after.

And be it further enacted, that in all actions of treſpaſſe, Quare clauſum fregit, hereafter to be brought, wherein the defendant or defendants ſhall diſclaime in his or their plea, to make any title or claime to the lands in which the treſpaſſe is by the declaration ſuppoſed to be done, & the treſpaſſe be by negligence or involuntary, the defendant or defendants ſhalbe admitted to plead a diſclaimer, & that the treſpaſſe was by negligence, or involuntary, & a tender or offer of ſufficient amends for ſuch treſpaſſe before the action brought: whereupon, or vpon ſome of them, the plaintiffe or plaintiffs ſhalbe enforced to ioyne iſſue, & if the ſaid iſſue be found for the defendant or defendants, or the plaintiffe or plaintiffs ſhalbe nonſuited, the plaintiffe or plaintiffs ſhall be clearely barred from the ſaid Action or Actions, and all other ſuites concerning the ſame.

Prouided neuertheles, & be it further enacted, that if any perſon or perſons that is or ſhalbe intituled to any ſuch action of treſpaſſe, detinue, Action ſur Trouer, Replevin, Actions of Accompts, Actions of debts, Actions of treſpaſſe, for aſſault, menace, batterie, wounding, or impriſonment, Actions vpon the caſe for words, be or ſhalbe at the time of any ſuch cauſe of Action giuen or accrued, fallen or come within the age of twenty one yeares, femme Covert, non compos mentis, impriſoned, or beyond the Seas, That then ſuch perſon or perſons ſhalbe at liberty to bring the ſame Actions, ſo as they take the ſame within ſuch times as are before limited after their comming to, or being of full age, diſcouert, of ſane memorie, at large, and returned from beyond the Seas, as other perſons hauing no ſuch impediment ſhould haue done.

Prouided alwayes, and be it further enacted & declared by the authority of this preſent Parliament, That this Act or any Ar-

ticle, clause, sentence, or matter therein contained, shall not extend to any writ of right, of advowson, Quare impedit, or Assize of Darraine presentment, nor Iure patronatus, nor to any writ of right of Ward, writ of Rauishment of Ward for the Wardship of the body, or for the Wardship of any Castles, Honors, Manors, lands, tenements, or hereditaments holden by Knights seruice, nor to the seizure of the Wardship of the body of any Ward or Wards, or to the seizure or Wardship of any Castles, Honors, Manors, lands, tenements, or hereditaments, holden by Knights seruice.

Prouided also, and be it further enacted and declared by authority of this present Parliament, That this Act, or any clause, article, sentence or matter therein contayned, shall not extend vnto any Castles, Honors, Manors, Lands, Tenements, Hereditaments, Tithes, Pensions, Portions, Obventions, Oblations, or any other, annuall, casuall, or hereditary profits, or other rights or possessions whatsoeuer, of any Archbishopricks, Bishopricks, Deanry, Archdeaconry, Prebend, Parsonage, Vicarage, or any other Ecclesiasticall or Spirituall liuing, or as belonging or appertaining thereunto, claymed by any Ecclesiasticall or Spirituall person or persons whatsoeuer: But that they and euery of them, their & euery of their Successors, shall and may, haue, maintaine, & pursue, all & singular such Writs, Actions and suites for any of the rights or possessions of any of their Churches, and make such entries thereinto in such like manner & forme to all intents, constructions and purposes as they or any of them should or might haue had, done, made, or pursued before the making of this Act, and as though the same Act had neuer beene made.

CAP. VII.

An Act that wrongfull disseizin &c. is no discent in Law.

WHere diuers persons of their insatiable mindes haue heretofore by strength and without title, entred into Manors, lands, tenements, & other hereditaments, & wrongfully disseized the right owners and possessors thereof: and ouer, being seized by disseizin, haue thereof dyed seized, by reason of which dying seized, the disseizee or such other persons as before such discent might haue lawfully entred into the said Manors, lands, & tenements, were and be thereby clearely excluded of their entrie into the said Manors, lands, & tenements, and put to their Action for their remedy & recouery therein to their great cost and charges. For reformation whereof, Be it enacted by the authority of this present Parliament, that the dying seized hereafter of any such disseisor,

diſſeizor, of or in any Manors, lands, tenements, or other Hereditaments, hauing no right or title therein, ſhall not be taken or deemed from henceforth any ſuch diſcent in the Law for to tolle or take away the entry of any ſuch perſon or perſons, or their heires, which at the time of the ſame diſcent had good and lawfull title of entry into the ſaid Manors, Lands, Tenements, or Hereditaments, except that ſuch diſſeizor hath had the peaceable poſſeſſion of ſuch Manors, lands, tenements, or hereditaments, whereof he ſhall ſo dye ſeized by the ſpace of fiue yeares next after the diſſeizin by him committed without entry or continuall clayme by or of ſuch perſon or perſons as haue lawfull title thereunto.

CAP. VIII.

An Act for the Expoſition of the Statute of Fines.

FOraſmuch as by a Statute made in England in the fourth yeare of the raigne of the late King of famous memory, King Henry the 7, it was among many good and ſundry Statutes and Ordinances then made for the Common-wealth, enacted, ordayned & eſtabliſhed, in what forme & manner fines ſhould be levyed, with Proclamations in the Kings Court before his Juſtices of his Common Place: And that ſuch Fines with Proclamations ſo had & made, to the intent to avoyd all ſtrifes and debates, ſhould be a finall end, and conclude as well Priuies as ſtrangers to the ſame, certaine perſons excepted and ſaued, as in the ſaid Statute more plainly appeareth, ſince which time by the diuerſitie of interpretation & expounding of the ſame Statute, it hath beene and yet is by ſome manner of perſons doubted and called in queſtion whether Fines with Proclamations levyed or to be levyed before the ſaid Juſtices by any perſon or perſons, hauing or clayming to haue in any Manors, lands, tenements, or hereditaments compriſed in the ſame Fine, in poſſeſſion, reuerſion, remainder, or in vſe, any manner of eſtate tayle, ſhould immediatly after the ſaid Fine levyed, ingroſſed and proclamation made, binde the right heire & heires of ſuch Tenant in tayle, & euery other perſon and perſons ſeized or clayming to their vſe or vſes, by occaſion whereof, diuers debates, controuerſies, ſuites and troubles haue been begun, moued & had within this Realme, & more be-like to enſue, if remedy for the ſame be not prouided: for the eſtabliſhment and reformation whereof, and for the ſure and ſincere interpretation of the ſaid Statute in avoyding all dangers, contentions, controuerſies, ambiguities and doubts that hereafter may ariſe, grow, or happen.

Our Soueraigne Lord the King, with the assent of the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by authoritie of the same, hath enacted and ordayned, that all and singular Fines as well heretofore levyed, as hereafter to be levyed before the said Justices, with Proclamations according to the said Statute by any person or persons of full age of one and twentie yeares, of any Manors, lands, tenements, or hereditaments, before the time of the same Fine levyed in any wise intayled to the person or persons so levying the same Fine, or to any the Ancestor or Ancestors of the said person or persons in possession, reversion, remainder, or in use, shall be immediatly after the same Fine levyed, ingrossed, and Proclamation made, adiudged, accepted, deemed & taken to all intents & purposes, a sufficient barre and discharge for euer against the said person & persons, and their heires, clayming the same lands, tenements, & hereditaments, or any parcell thereof onely by force of any such intayle, and against all other persons clayming the same or any parcell thereof onely to their use, or to the use of any manner of heires of the bodies of them: any ambiguitie, doubt or contrarietie of opinion risen or growne vpon the said Statute to the contrary notwithstanding.

Prouided alwayes, that this Act, nor any thing therein contayned, shall extend to barre or exclude the lawfull Entrie, title or interest of any heire or heires, person or persons heretofore giuen or to be giuen, growne or accrued to them or any of them, in or to any Manors, lands, tenements, or hereditaments, by reason of any Fine or Fines heretofore levyed, or hereafter to be levyed by any woman after the death of her husband, contrary to the forme, intent and effect of the Statute made in England, in the eleuenth yeare of the said late King Henry the seuenth, of any Manors, lands, tenements & hereditaments, of the inheritance or purchase of the said husband, or of any of his Ancestors giuen or assigned to any such woman in dower for tearme of life, or in tayle, in use, or in possession, but that the same Act made in the said eleuenth yeare of the said late King Henry the seuenth, shall stand, remaine, and be in full strength and vertue in this Kingdome of Ireland, in euery Article, sentence and clause therein contained.

Prouided also that this Act, nor any thing therein contayned, doe extend to any Fine or Fines at any time heretofore levyed, or hereafter to be levyed of any Lordships, Manors, Lands, Tenements, or other Hereditaments, whatsoeuer they be, the possessioners & owners whereof, by reason of any expresse words contayned in any speciall Act or Acts of Parliament, made or ordayned sithence the said fourth yeare of the raigne of the said late King Henry the seuenth, stand, be bounden or restrained from making any Alienations, discontinuances, or other alterations of any of the same Lordships, manors, lands, tenements, or hereditaments,

contay-

contained in the ſaid Fine or Fines, but that all and euery ſuch Fine & Fines at any time heretofore levyed, or hereafter to bee levyed by any ſuch perſon or perſons, or their heires of any ſuch Lordſhips, manors, lands, tenements, or other hereditaments, ſhal be of ſuch like force and ſtrength in the Law, and of none other effect then the ſame Fine ſo levyed ſhould haue beene if this preſent Act had neuer been had nor made: any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

Prouided alſo that this Act, nor any thing therein contayned ſhall extend to any Fine or Fines heretofore levyed of any Manors, lands, tenements, or other hereditaments, now in ſuite, demaund, or variance in any of the Kings Courts, or whereof any Charters, Euidences, or Monuments cõcerning the ſame, be now in demaund in the Kings high Court of Chancery, nor to any Fine or Fines heretofore levyed of any Manors, lands, tenements, or hereditaments, which before the firſt day of this preſent Parliament, haue beene recouered, gotten, or obtayned by reaſon of any iudgement, entrie, decree, arbitrement, or other lawfull meanes contrary to the purport, intent, or effect of any ſuch Fine or Fines thereof heretofore levyed, nor to any Fine or Fines heretofore levyed, or hereafter to be levyed by any perſon or perſons of any manors, lands, tenements, or hereditaments before the time of the levying of the ſame Fine giuen, granted or aſſigned to the ſaid perſon or perſons levying the ſame Fine, or to any of his or their Anceſtors in the tayle by virtue of any Letters Patents of our ſaid Soueraigne Lord, or any of his Progenitors, or by vertue of any Act or Acts of Parliament, the reuerſion whereof at the time of this ſame Fine or Fines ſo levyed, being in our ſaid Soueraigne Lord, his Heires or Succeſſors, but that euery ſuch Fine & Fines ſhall be of like force, ſtrength & effect, as they were or ſhould haue beene, if this Act had neuer bin had nor made.

CAP. IX.

An Act touching Proclamations vpon Fines.

WHereas vpon Fines levyed with Proclamations, doubts haue of late riſen, by occaſion of adiournment of tearmes, in which Proclamations ſhould haue been made, according to the forme limited for Proclamations vpon Fines by the Statute made in the fourth yeare of King Henry the ſeuenth and were not by reaſon of ſuch adiournments had, nor made according to the purpey of the ſame Statute.

Be it therefore enacted, that all Fines aſwell heretofore levyed,

as hereafter to be levyed before the Iustices of the Cõmon Pleas, of any Manors, lands, tenements, or other hereditaments, whereupon the Proclamations haue not, or shall not, by reason of adiournment of any Tearme by writ be duly made, shalbe of as good force, effect & streugth, to all intents, constructions & purposes, as if any Tearme heretofore so adiourned, or that any time hereafter shall be so adiourned, had been holden and kept, from the beginning to the end thereof not adiourned, & Proclamations therein made, according to the forme & effect of the said Statute.

Prouided alwayes, that this Act shall not in any wise extend to any Fine heretofore levyed, of any Manors, lands, tenements, or hereditaments, now in suite, demaund or variance in any of the Kings Courts, or whereof, any Charters, Euidences, or Minuments concerning the same, bee now in demaund in the Kings high Court of Chancerie, nor to any Fine or Fines heretofore levyed, of any Manors, Lands, Tenements, or Hereditaments, which before the first day of this present Parliament haue beene recouered, gotten, or obtained by reason of any iudgment, entrie, decree, arbitrement, or other lawfull meanes, contrary to the purport, intent or effect of any such Fine or Fines thereof heretofore levyed.

CAP. X.

An Act for reformation of errors in Fines and Recoveries.

FOr the appeasing of suits, the auoyding of false practices, deceipts, deuices and misdemeanors, & for the helping of negligences & misprisions of Clerkes & Officers, dangerous to assurances of mens lands and hereditaments.

Be it enacted by our Soueraigne Lord the Kings Maiestie, the Lords Spirituall & Temporall, & the Commons in this present Parliament assembled, & by the authority of the same, That euery Writ of Couenant & other Writ, whereupon any Fine heretofore hath been levyed, or hereafter shalbe levyed, The returne thereof, the Writ of Dedimus potestatem, made for the knowledging of any of the same Fines, the returne thereof, the Concord, note, & foote of euery such Fine, the Proclamations made thereupon, & the Kings siluer, and also euery originall Writ of Entrie in the post, or other Writ: whereupon any common Recouery hath beene suffered, or hereafter shalbe suffered or passed, the writs of summons ad warrantizandum, the returnes of the said originals and writs of summons ad warrantizandum, And euery warrant of Attourney, had or to be had, aswell of euery Demandant and Tenant, as vouchee extant and remaining, or that shalbe extant and

in

in being, may vpon the request or election of any person bee inrolled in Rolls of parchment by the Clearke or proper Officer, in or by the same Court appointed, or to be appointed for that purpose, & for such reasonable Fees as that Court from time to time shall appoint. And that the Inrollments of the same, or of any part thereof, shalbe of as good force and validitie in Law to all intents, respects & purposes, for so much of any of them so inrolled, as the same being extant and remaing, were or ought by Law to bee.

And be it further enacted by the authority aforesaid, That no Fine, Proclamations vpon Fines, or Common Recouery heretofore had, levyed, suffered or passed, or hereafter to be had, levyed, suffered or passed, shalbe reversed, or reversable by any Writ of error, for false & incongruous Latine, rasure, interlyning, mis-entring of any warrant of Attourney, or of any Proclamation, mis-returning, or not returning of the Sheriffe, or other want of forme in words, and not in matter of substance.

And be it further enacted by the authoritie aforesaid, That the Chirographer of Fines of the Common Pleas for the time being, for euer, shall write, and make, or cause to be written & made for euery Countie where his Maiesties Writ runneth, one Table wherein shalbe contayned such Contents of euery Fine that shall passe in any one Tearme, as hereafter is mentioned: That is to say, The name of the Countie wherin the Tenements mentioned in any Fine, doe lye: the name of euery plaintiff & deforeant, and of euery Manor named in the Fine, if any such be, & of the townes & places where the Tenements in such Fine comprised, doe lye, & the first day of the next Tearme, after the ingrossing of euery such Fine, shall fixe euery of the said Tables, vpon some open place of the Common-Pleas, & so euery day of the said Tearme, during the time of sitting of the said Court, & that the said Chirographer shall deliuer to euery Sheriff of euery Countie, his Under-sheriff or Deputy, faire written in parchment, a perfect content of the Table so to be made for that Countie, in the Terme that shall be next, before the Assizes be holden in the said Countie, or els meane betweene that Tearme & the said Assises, & that euery such Sheriffe to whom such parchment with the contents aforesaid, shalbe deliuered the first day of the next Assizes, after the deliuery thereof vnto him, and euery day during the said Assizes, shall fixe & set vp the same writing vndefaced, in some open place in the Court, where the Justices of Assizes of that Countie shall sit, and shall see the same to continue there, during such time as the said Justices shall sit there in the Court, vpon paine that euery Chirographer and Sheriffe offending against any thing in this Act contained, shall forfeit to our Soueraigne Lord the Kings Maiestie the summe of fiue pounds sterling, the one moytie thereof shalbe to the Kings Maiestie, his Heires and Successors, and the other moytie

to

to him or them that will sue for the same in any Court of Record, wherein, no essoyne, protection, or wager of Law shalbe allowed. And that the Chirographer for the time being, shall haue and take for euery such content, of euery fine so set downe in the Table aforesaid, foure pence sterling, and no more.

CAP. XI.

An Act for expedition of Iustice in cases of Demurrers &c.

FOrasmuch as excessiue charges and expences, and great delay and hinderance of Iustice hath growne in Actions & Suites betweene the Subiects of this Realme, by reason that vpon some small mistakings, or want of forme in pleading, Iudgments are often reversed by Writs of Errors, and oftentimes vpon Demurrers in Law, giuen otherwise then the matters in Law, and very right of the cause doth require, whereby the parties are constrayned either vtterly to loose their right, or else after long time, and great trouble and expences, to renew againe their suites: For remedy whereof be it enacted by the Kings most excellent Maiestie, the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by the authoritie of the same, that from henceforth, after demurrer ioyned and entred, in any action or suite in any Court of Record within this Realme, the Iudges shall proceede and giue iudgment, according as the very right of the cause and matter in law shal appeare vnto them, without regarding any imperfection, defect, or want of forme, in any Writ, returne, plaint, declaration, or other pleading, processe, or course of proceeding whatsoeuer, except those onely which the party demurring shall specially and particularly set downe & expresse together with his demurrer. And that no Iudgment to be giuen, shalbe reuersed by any Writ of Error, for any such imperfection, defect, or want of forme, as is aforesaid, except such only, as is before excepted.

And be it further enacted, that after Demurrers ioyned & entred, the Court where the same shalbe, shall & may by vertue of this Act, from time to time amend all & euery such imperfections, defects, & wants of forme, as is before mentioned, other then those onely, which the party demurring, shall specially, and particularly expresse & set downe, together with his Demurrer, as is aforesaid.

Prouided alwayes, & be it further enacted by the authority aforesaid, that this Act, or any thing therein contained, shall not extend to any Writ, Declaration, or Suite of appeale of Felonie, or Murder,

murther, nor to any Indictment or preſentment of any Felonie, Murder, Treaſon, or other matter, nor to any proceſſe vpon any of them, nor to any Writ, Bill, Action, or information vpon any Popular or penall Statute, any thing aforeſaid to the contrary notwithſtanding.

CAP. XII.

An Act for reformation of Ieofailes, &c.

WHereas in the three and thirtieth yeare of the reigne of King Henry the eight of famous memorie, a good & profitable Law, intituled an Act concerning mis-pleading, & Ieofailes, was made and enacted in this Kingdome of Ireland: by which Law, many delayes of Judgments were prevented, and yet notwithſtanding many things haue, and daylie doe fall out, not yet prouided for, nor remedied by the Law before mentioned.

Be it therefore enacted by the Kings moſt excellent Maieſtie, the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any verdict of twelue men, or more, ſhalbe hereafter giuen in any action, ſuit, bill, plaint, or demand, in any Court of Record, the Judgment thereupon ſhall not be ſtayed or reuerſed, by reaſon of any default in forme, or lack of forme, touching falſe Latine, or variance from the Regiſter, or other defaults in forme, in any Writ, originall, or iudiciall, Count, declaration, plaint, bill, ſuit, or demand, or for want of any writ original, or iudicial, or by reaſon of any imperfect or inſufficient returne of any Sheriff, or other Officer, or for want of any warrant of Attourney, or by reaſon of any maner of default in proceſſe, vpon or after any aid prayer, or vowcher, nor any ſuch Record or Judgment after verdict to be giuen hereafter, ſhalbe reuerſed for any the defects or cauſes aforeſaid.

And be it further enacted by the authoritie aforeſaid, That if any verdict of Twelue men, or more, ſhall hereafter be giuen for the Plaintiff, or Demandant; or for the Defendant, or Tenant, Baylie in Aſſize, vowchee praycc in aide, or Tenant by Receite, in any action, ſuit, bill, plaint, or demaund, in any Court of Record, the Judgment thereupon ſhal not be ſtayed, nor reuerſed by reaſon of any variance in forme only, between the original Writ, or Bill, & the Declaration, Plaint, or Demand, or for lacke of an auerment of any of life, or liues, of any perſon or perſons, ſo as vpon examination, the ſaid perſon be proued to be in life, or by reaſon that the venire facias, habeas Corpora, or Diſtringas, is awarded to a wrong Officer, vpon any inſufficient ſuggeſtion, or by reaſon the viſne is in ſome part miſ-awarded, or ſued out of more places, or of fewer places, then it ought to bee, ſo as ſome one place be right named, or by reaſon that any of the Jurie which tryed the ſaid iſſue, is miſ-

named, either in the name, surname, or addition, in any of the said Writs, or in any returne vpon any of the said Writs, so as vpon examination it be proued to be the same Man that was meant to be returned, or by reason that there is no returne vpon any of the said Writs, so as a Pannell of the names of Iurors be returned & annexed to the said Writ, or for that the Sheriffes name, or other Officers name, hauing the returne thereof, is not set to the returne of any such Writ, so as vpon examination it be proued, that the said Writ was returned by the Sheriff, or Vnder-sheriff, or such other Officer, or by reason that the plaintiff in any ejectione firmæ, or in any personall action, or suite, being an Infant, vnder the age of one and twentie yeares, did appeare by Attourney therein, and the verdict passed for him, Any law, custome, or vsage to the contrary notwithstanding.

Prouided alwayes, and be it further enacted by the authority aforesaid, That this Act, nor any thing therein contayned, shall not extend, to any Writ, declaration, or suite of appeale of Felony, or Murder, nor to any Indictment, or presentment of Felony, Murder, or Treason, nor to any proceese vpon any of them, nor to any Writ, Bill, Action, or Information, vpon any popular, or penall Statute, any thing therein contayned to the contrary thereof in any wise notwithstanding.

Prouided also, and be it enacted by the authority aforesaid, that all and euery Attourney, and Attourneyes in any suite, or suites, action, or actions, in any Court of Record, shall deliuer in, his and their warrant, or warrants of Attourneyes, in all & euery such actions, or suits, wherein they be named Attourneyes, to be entred, or filed, of Record, in such manner & forme as heretofore by the law or Statutes in that behalfe made, they should, or ought to haue done, vpon paine to forfeit Ten pounds for euery such offence, the one moytie therof to be to the Kings Maiestie, his heires, & successors, & the other moytie to such Officer, or Officers, to whom, or in whose office, the same warrant, or warrants should be deliuered, entred, or filed, and to suffer imprisonment by the discretion of the Iudge, Iustice, or Iustices of the Court for the time being, wherein any such default shall fortune to be had, or made, the said Ten pounds to be recouered by action of debt, bill, or information, in which, no essoyne, protection, or wager of Law shalbe allowed.

CAP. XIII.

CAP. XIII.

An Act concerning the appearance of Iurors in the *niſi prius*.

IN all humblenes, wee your Highnes ſubiects of this your Realme of Ireland, doe pray & beſeech your moſt excellent Maieſtie, that it may be enacted by your Highnes, with the aſſent of the Lords Spirituall and Temporall, and Commons in this preſent Parliament aſſembled, in manner and forme following: viz: Foraſmuch as the iſſues, ioyned in euery action, ſuite, & demaund, betweene partie & partie, at the Common Law, are by the Lawes of this Realme, for the moſt part tryed, and tryable by the verdict of twelue men, wherein is daylie ſeene great delay, partly for lacke of appearance of the perſons returned to try ſuch iſſues, the occaſion whereof commeth by reaſon of maintenance, imbracery, ſiniſter labour, & corrupt demeanors, & partly by reaſon of the Challenges of the parties to the Jury, or Jurors, ſo returned: to the great coſts, charges, and hinderances of the parties, to the ſaid actions, ſuites, and demaunds, and to the great delay and hinderance of Juſtice.

For reformation whereof, and for the more expedition of Juſtice, hereafter to be had in ſuch manner of tryall of iſſues, Bee it enacted by the authority of this preſent Parliament, that in euery Caſe, where ſuch perſons as ſhould paſſe vpon the tryall of any iſſue ioyned in any of the Kings Courts of Record, commonly holden at Dublin, ought by the Law to diſpend xl.s. by the yeare, of free-hold, that the writs of venire facias, which, from and after the firſt day of Nouember next, ſhalbe awarded, & directed, for the impannelling of ſuch perſons as ſhall try the ſame iſſue, ſhalbe in this forme, Rex &c. præcipimus &c. quod venire facias coram &c. xii. liberos, & legales homines, de viſu de B. quorum quilibet habeat quadraginta ſolidat' terr' tenement' vel redit' per annum ad minus, per quos rei veritas melius ſciri poterit: et qui nec &c. And ſo forth the reſidue of the ſaid writ, after the ancient forme: And in euery Caſe where it is not requiſite, that the perſons that ſhall paſſe vpon the tryall of any iſſue, ioyned in any of the Kings Courts aforeſaid, ſhall diſpend xl.s. by the yeare, of free-hold, that then the writs of (venire facias) that ſhalbe awarded after the ſaid firſt day of Nouember, ſhalbe made after the forme aforeſaid, omitting this clauſe, quorum quilibet habeat quadragint' ſolidat' terræ tenement', vel reditus per annum ad minus: And that vpon euery ſuch writ and writs of venire facias, that ſhall haue the ſaid clauſe, quorum quilibet &c. the Sheriffe, or other miniſter, or miniſters, to whom the making of the pannell, ſhall appertaine, ſhall not returne in

any ſuch pannell, any perſon, vnleſſe hee may diſpend xl.s. by the yeare at the leaſt, of eſtate of free-hold, within the Countie where the iſſue is to be tryed, and alſo ſhall returne in euery ſuch pannell, vpon the ſame venire facias, two ſufficient hundredors at the leaſt, if there be ſo many hundredors within the ſaid Barony or Hundred where the venue lyeth, vpon paine to forfeit for euery perſon being returned in any ſuch pannell, that cannot diſpend xl. s. by the yeare, as is aforeſaid, xx.s. And for euery hundredor that ſhalbe omitted in ſuch returne of the number aforeſaid, xx.s. And that, the ſaid returne of two hundredors, or more, ſo made by the ſheriffe, ſhalbe as good & ſufficient in the Law, to all intents, conſtructions, and purpoſes, as if foure, or more hundredors, had beeh returned, as before the making of this Statute, was vſed and accuſtomed: and in euery Writ of venire facias, wherein the ſaid clauſe of quorum quilibet &c. ſhalbe omitted, the Sheriff or other miniſter, or miniſters, to whom the making of the pannell ſhall appertaine, ſhall not returne in any ſuch pannell, any perſon, vnleſſe he haue ſome lands, or tenements of eſtate of free-hold, within the Countie where the iſſue is to be tryed: and alſo ſhall returne in euery ſuch pannell vpon the ſame venire facias, two ſufficient hundredors at the leaſt, if there bee ſo many hundredors within the ſaid Hundred, or Barony, where the venue lyeth, vpon like paine, as is aforeſaid. And that the ſaid returne of two Hundredors, or more, vpon euery ſuch venire facias, ſo made by the Sheriffe, ſhalbe as good and ſufficient in the Law, to all intents, conſtructions, & purpoſes, as if foure, or more Hundredors, had been returned, as before the making of this Statute was vſed & accuſtomed.

And furthermore be it enacted by the authority aforeſaid, that vpon euery firſt Writ of habeas corpora, or Diſtringas, with a Niſi prius, deliuered to the Sheriffe, or other miniſter, or miniſters, to whom the making of the returne, ſhall appertaine, the ſaid Sheriffe, and other miniſter & miniſters, ſhall from & after the ſaid firſt day of November, returne in iſſues vpon euery perſon impanelled, & returned vpon any ſuch Writ, at the leaſt v.s. and at the ſecond Writ of habeas corpora, or diſtringas, with a Niſi prius vpon euery perſon impannelled, & returned, vpon any ſuch Writs, x.s. at the leaſt: & at the third Writ of habeas corpora, or diſtringas, with a niſi prius, that ſhalbe further awarded vpon euery perſon, impannelled & returned vpon any ſuch Writ, xiii.s. iiii.d. and vpon euery writ that ſhalbe further awarded to try any ſuch iſſue, to double the iſſues laſt afore ſpecified, vntill a full Jury be ſworne, or the proces otherwiſe ceaſed, or determined, vpon paine to forfeit for euery returne to be made, contrary to the forme aforeſaid, v.li. And for a more ſpeedy tryall of iſſues to be tryed by verdict of xii. men hereafter to be had, Be it enacted by the authoritie aforeſaid, that in euery ſuch Writ of habeas corpora, or diſtringas, with a niſi prius, where a full Jury ſhall not appeare before the Juſtices of Aſſizes,

or

or nisi prius, or else, after appearance of a full Jury, by challenge of any of the parties, the Jury is like to remaine vntaken, for default of Iurors, That then the same Iustices, vpon request made by the partie plaintiffe, or demaundant, or by him that maketh cognizance, or a bowzy in a Replevin, or by the Tenant, or Defendant, in all actions, shall haue authority, by vertue of this Act, to commaund, aswell where the Kings Maiestie is, or shall be party, or where the same is, or shalbe prosecuted by any Informer, aswell for the King as himselfe, as in all other actions, whatsoeuer: the Sheriffe, or other minister, or ministers, to whom the making of the said returne shall appertaine, as often as need shall require, by the nomination of the Iustices of Assizes, or one of them, to impannell so many of such other able persons of the said County, then present at the said Assizes, or nisi prius, as shall make vp a full Jury: which persons so to be named and impannelled, shalbe added to the former pannell, & their names annexed to the same, & that euery of the parties, shall, and may haue, his or their challenge to the Iurors so named, added & annexed to the said former pannell, in such wise, as if they had beene impannelled vpon the venire facias, awarded to try the said issue, & that the said Iustices, shall, and may proceede to the tryall of euery such issue, with those persons that were before impannelled, & returned, & with those newly added & annexed to the said former pannell, by vertue of this Act, in such wise as they might, or ought to haue done, if all the said Iurors had beene returned vpon the Writ of venire facias, awarded to try the said issue. And that all and euery such tryall, had after the said first day of November, shalbe as good, & effectuall in the Law, to all intents, constructions, and purposes, as if such tryall had beene had, & tryed by twelue of the Iurors, impannelled, & returned vpon the Writ of venire facias, awarded to try such issue. And in case such persons as shalbe named & appointed, as is aforesaid, or any of them, after they shalbe called, be present, & doe not appeare, or after his, or their appearance, doe wilfully with-draw him, or themselues from the presence of the Court, that then such Iustices shall, and may, set such fine vpon euery such Iuror, making default, or wilfully with-drawing himselfe, as is aforesaid, as they shall thinke good by their discretion, the said Fine to bee levyed in such manner & forme, as the issues, forfeited, and lost by Iurors, by default of their appearance at the Common Law, haue beene accustomed to be levyed.

And be it further enacted by the authority aforesaid, that where any Jury that shalbe returned by the Sheriffe, or other minister, or ministers, shalbe made full, by the commandement & nomination of the said Iustices, by vertue of this present Act, that yet neuertheless such persons as were returned in the said pannell by the Sheriffe, or other minister, or ministers, to try any such issue, that shall not appeare, but make default, shall loose the issues vpon

them returned, in such wise, as though the same Jury had remained, for default of Jurors.

Prouided alwayes, and be it enacted, that vpon a reasonable excuse, for the default of appearance of any Juror, or Jurors, sufficiently proued, before the Justices of Assizes, or Nisi prius, at the day of their appearance, by the oath, or oathes, of one, or more, lawfull & honest witnesse, or witnesses, that the same Justices, shall haue authority, by their discretions, to discharge euery such Juror, of euery such forfeiture of issues, vpon him returned: And that the Sheriffe, or Sheriffes, or other minister, or ministers, hauing commandement, by the said Justices, to omit the returning of such issues, as is aforesaid, vpon such Juror, or Jurors, shalbe therein discharged of the penalties aforesaid, for the non-returning of the said issues: And that yet notwithstanding, the said returne shalbe good, and effectuall in the Law; any Law, vsage, or custome, to the contrary, notwithstanding.

Prouided also, & be it enacted, by the authority aforesaid, that if the said Justices, before whom any such Jury should appeare, in the County, where such issue is to be tryed, by vertue of a writ of nisi prius, doe not come at the day, & place appointed, but that the Assize, or nisi prius, for that time, shalbe discontinued, for not comming of the said Justices, or for any other occasion, other then by default, & lacke of Jurors: that then euery one of the same Jurors shalbe discharged, for forfeiting of any issues, vpon him returned in the same writ: And the Sheriffe, or any other minister, or ministers, shalbe likewise discharged of the penaltie of this statute, for the not returning of such issues, as are before limited in this Act, any article, or sentence, herein contained to the contrary, notwithstanding.

Also be it further enacted, by the authority aforesaid, that if vpon any such writ of habeas corpora, or distringas, with a nisi prius, issues be returned vpon any Hundredors, Juror, or Jurors, by the Sheriffe, or other minister, or ministers, to whom the execution of the same writ, or writs, shall appertaine, whereas the same hundredors, & Jurors, shall not be lawfully summoned, warned, or distrained, in that behalfe, that then euery such Sheriffe, or other minister, or ministers aforesaid, shall lose, for euery such offence so committed, double so much, as the said issues, returned vpon such Hundredors, or Jurors, not lawfully summoned, warned, or distrained, shall amount vnto, the moytie of all which forfeitures, contained in this present Act, other then the issues, to bee returned vpon the Jurors, as is aforesaid, shall bee to the King our Soueraigne Lord, & the other halfe to him that will sue for the same, by action of debt, bill, plaint, or information, in any of the Kings Courts of Record, in which, no wager of Law, essoyne, or protection, shalbe allowed, or admitted, sauing to all manner of persons, and bodies politicke, and corporate, their heires, and succes-

sors,

ceſſors, hauing lawfull right, title, & intereſt, to haue ſuch iſſues, to be before any ſuch Juſtices of Aſſize, or niſi prius, at any time, or times hereafter, loſt, & forfeited all ſuch right, title, and intereſt, as they, or any of them, ſhould, or might haue had, to ſuch iſſues, to be loſt, and forfeited, as though this Act had neuer beene had, or made.

Prouided alſo, that this Act, nor any thing therein contained, ſhall not extend, to any Citty, or towne corporate, or to any Sheriffe, miniſter, or miniſters in the ſame, for the returne of any Inqueſt, or Pannell, to be made, and returned, of perſons inhabiting in the ſaid Citties, or townes corporate, but that they, & euery of them, ſhall, & may, returne ſuch perſons, in euery ſuch Inqueſt, or Pannell, as before this time they might, and haue beene accuſtomed to doe, & as this Act had neuer beene had, or made: ſo that the ſame Sheriffe, miniſter, or miniſters, returne vpon ſuch perſons, as ſhalbe impannelled, like iſſues, as are before mentioned in this Act, anything in the ſame contayned to the contrary, notwithſtanding.

CAP. XIV.

An Act for the continuance of Actions after the death of any King &c.

WHereas the Kings Subiects heretofore, haue to their great charges, coſts, & expences, proſecuted & ſued, diuers & ſundry Actions, aſwell reall & perſonall, as all other actions mixt, or otherwiſe, in the Kings Maieſties Courts, and other Courts of Records, not onely by Writs, but alſo by plaints, or bills, which Actions, ſuits, bills, and plaints, by the death or demiſe of the Kings of this Realme, haue beene diſcontinued, and the parties in euery ſuch Actions, ſuits, bills, and plaints, thereby haue beene put without day, whereby the Demandants, Plaintiffs, & Actors, in euery ſuch Action & Suite, were compelled & driuen, by the order of the Lawes of this Realme, for their further remedie, further to commence or begin again, his, or their ſaid Actions, ſuits, or plaints, or elſe to proſecute & ſue Re-ſummons, Reattachments, ſcire facias, or ſuch other like Proceſſe, to reviue, his, or their ſaid Actions, ſuits, or plaints, which was not onely to their great coſts, charges, expences, hinderances, and delay of their cauſes & ſuits, but alſo a great lett and hinderance of Juſtice.

For reformation whereof, be it ordained, eſtabliſhed, and enacted by the King our Soueraigne Lord, and the Lords and Commons in this preſent Parliament aſſembled, & by the authority of the ſame, That from henceforth, by the death, or demiſe of the Kings

Kings Maieſtie, that now is, (whoſe life, Almighty God long preſerue, keep, and maintaine, in his moſt Royall eſtate) nor by the death, or demiſe of any that hereafter ſhall be King of this Realme, any action, ſuite, bill, or plaint, now, or that hereafter ſhall depend betweene partie and partie, in any of the Courts aforeſaid, ſhall not in any wiſe be diſcontinued, or put without day: But that the Proceſſe, pleas, Demurrers, and Continuances in euery Action, Actions, ſuits, bills, or plaints, which now, or that hereafter ſhall depend, ſhall ſtand good and effectuall, and be proſecuted and ſued forth, in ſuch manner and forme, and in the ſame eſtate, condition, and order, as if the ſame King had liued, & continued in full life: the death, or demiſe hereafter of any King of this Realme, notwithſtanding. And that all, & all manner of Judiciall proceſſe, that hereafter ſhalbe had, or purſued, in the time of the raigne of any other King, than raigned at the time of the purſuit of the originall, or other former proceſſe, ſhalbe made in the name of the King, that for the time ſhall raigne, and be King of this Realme, and that variance touching the ſame proceſſe, betweene the names of the Kings, ſhall not be in any wiſe materiall, as concerning any default to be alledged, or obiected therefore.

And alſo, be it further enacted and eſtabliſhed by the authoritie aforeſaid, that all and euery Aſſize of Nouell diſſeizin, Aſſize of Mordauncester, Iuris utrum, and Attaint, which at any time hereafter, ſhalbe arraigned, commenced, or ſued, before any of the Kings Iuſtices of Aſſize, ſhall not from henceforth be diſcontinued, or put without day, by reaſon of death, new commiſſion, aſſociation, or not comming of the ſame Iuſtices of Aſſize, or any of them, but ſhall ſtand good and effectuall in the Law, to all intents, conſtructions and purpoſes, the death, the new commiſſion, aſſociation, or not comming of the ſame Iuſtices, or any of them, in any wiſe notwithſtanding.

And ouer that, be it ordained & enacted by the authority aforeſaid, That albeit any demandant, or plaintiffe, in any manner of action, bill, or ſuite, ſhall fortune to be made or created, Duke, Archbiſhop, Marqueſſe, Earle, Viſcount, Biſhop, Baron, Iuſtice of the one Bench, or of the other, Baron of the Exchequer, Knight, or Seriant at Law, depending the ſame Action, bill, or ſuite, yet that notwithſtanding, that no Writ, Action, or ſuite, ſhall for ſuch cauſe in any wiſe be abateable, or abated, but ſhall remaine in like force, goodnes, and ſtrength, as the ſame was before, any Law or vſage to the contrary in any wiſe notwithſtanding.

And alſo be it ordained and enacted by authority aforeſaid, that albeit any perſon or perſons, being Iuſtice of Aſſize, Iuſtice of Gaole deliuery, Iuſtice of Peace within this Realme, or being in any other of the Kings Commiſſions whatſoeuer, ſhall fortune to be made, or created, Duke, Archbiſhop, Marqueſſe, Earle, Viſcount, Biſhop, Baron, Iuſtice of the one Bench, or of the other,

Baron

Baron of the Exchequer, Knight, Serieant at Law, or Sheriffe, yet that notwithstanding, he & they shall remaine Iustice & Commissioner, & haue full power & authoritie, to execute the same, in like manner & forme, as he, or they, might, or ought to haue done, before the same.

And be it ordained & enacted by the authority aforesaid, That in all cases where any person or persons heretofore haue beene, or hereafter shalbe found guiltie, of any manner of Treason, Murder, Man-slaughter, Rape, or other felony, whatsoeuer: for the which, Iudgment of death, should, or may ensue, and shalbe repriued to prison, without Iudgment at that time, giuen against him, her or them, so found guiltie, That all and euery person or persons, that at any time hereafter, shall by the Kings Commission, be assigned Iustice, or Iustices, to deliuer the Gaole, where any such person or persons, found guiltie, shall remaine: shal haue full power and authority, to giue Iudgment of death, against such person or persons, so found guiltie, and repriued, as the same Iustice, or Iustices, (before whom such person or persons, was, or were found guiltie) might haue done, if their Commission of Gaole Deliuery, had remained & continued in full force and strength.

And be it also enacted by the authoritie aforesaid, That in all cases, where any person or persons, heretofore haue beene, or hereafter shalbe adiudged & condemned of any manner of Treason, or Felonie, whatsoeuer: and shalbe repriued, or the execution respited for any cause whatsoeuer, that euery person or persons, which at any time hereafter, shall by the Kings Commission be assigned Iustice, or Iustices, to deliuer the Gaole, where any such person or persons, adiudged & condemned as aforesaid, shall remaine, not executed shall haue full power and authority to award execution vpon euery such Iudgment, against euery such person or persons, adiudged and condemned, as aforesaid, in as large & ample manner and forme, to all intents, constructions and purposes, as the same Iustice, or Iustices, by whom such Iudgement was giuen, might haue done, (if no cause had to him or them appeared, for the stay, respiting, or deferring of the execution) and as if his or their Commission of Gaole deliuery had remained, and continued in full force and strength. And ouer that, that no manner of Proceſſe, or suite, made, sued, or had, before any Iustices of Assize, Gaole deliuery, Oyer and Terminer, Iustices of Peace, or other of the Kings Commissioners, shall in any wise be discontinued, by the making & publishing of a new Commission, or Association, or by altering of the names of the Iustices of Assize, Gaole deliuery, Oyer and Terminer, Iustices of Peace, or other the Kings Commissioners: but that the new Iustices of Assize, Gaole deliuery, and of the Peace, and other Commissioners, may proceed in euery behalfe, as if the old Commissions, and Iustices, & Commissioners had still remained, and continued not altered.

CAP. XV.

¶ An Act, that like proceſſe ſhall be had in every Writ of annuitie, and certaine other actions, as in an action of debt.

FOrasmuch as there is great delayes in Actions of treſpaſſe, brought vpon the Statute of King Richard the ſecond, made in the fifth yeare of his reigne, againſt them that make entries into any lands, or tenements, where their entrie is not giuen by the Law, and alſo in actions vpon the caſe, actions of annuitie, and actions of couenant, becauſe there lyeth no proceſſe of outlawrie, in ſuch nature of Actions.

For reformation whereof, it may pleaſe the Kings highnes, by the aduice of his Lords Spirituall, and Temporall, & the Commons in this preſent Parliament aſſembled, and by authority of the ſame, to ordaine and enact, that like proceſſe be had hereafter, in euery action from henceforth, to be brought vpon the Statute of Anno quinto, and in euery action vpon the caſe: as is in a cõmon action of treſpaſſe at the Common Law, & that alſo like proceſſe be had in euery writ of annuitie, & couenant, hereafter to be ſued, as in an action of debt.

CAP. XVI.

¶ An Act for eaſe in pleading againſt troubleſome and contentious ſuites, proſecuted againſt Sheriffs, Iuſtices of Peace, Maiors, Conſtables, and certaine other officers, for the lawfull execution of their office.

FOr eaſe in pleading, againſt many cauſeleſſe and contentious ſuites, which haue beene, and daylie are commenced and proſecuted againſt Sheriffs, Iuſtices of Peace, Maiors, or Bayliffs of Cities and Townes Corporate, Head-burroughs, Portreues, Conſtables, Ouerſeers of the poore, Tithing-men, Collectors of Subſidies, and Fifteenes, and Church-wardens, and other Officers, who for due execution of their Offices, haue beene troubled, and moleſted, and ſtill are like to be troubled, and moleſted, by euill diſpoſed, contentious perſons, to their great charge, and diſcouragement, in doing of their Offices.

Bee it therefore enacted by our Soueraigne Lord the Kings Maieſtie, and by the Lords Spirituall, and Temporall, & Commons in this Parliament aſſembled, and by authoritie of the ſame, that

that if any Action, Bill, Plaint, or Suite vpon the case, treſpaſſe, battery, or falſe impriſonment, ſhalbe brought, after the end of this preſent Seſſion of Parliament, againſt any Sheriffe, Juſtice of Peace, Maior, or Bayliffe, of Citty, or Towne Corporate, Head-burrough, Portreeue, Conſtable, Tithing-man, Ouer-ſeer of the Poore, Collector of Subſidie, or Fifteenes, Church-wardens, or any other Officer, or Officers, executing his, or their Office, or Offices, and their Deputies, or any of them, or any other, which in their ayde, or aſſiſtance, or by their commandement, ſhall doe any thing touching, or concerning their Office, or Offices, for, or concerning any matter, cauſe, or thing, by them, or any of them done, by vertue, or reaſon of their office, or offices: That the ſaid Action, Bill, Plaint, or Suite, ſhalbe layde within the County, where the treſpaſſe, or fact ſhalbe done, & committed, and not elſewhere. And that it ſhalbe lawfull, to, and for all and euery perſon & perſons aforeſaid, to pleade thereunto the generall iſſue, that he, or they are not guiltie, & to giue ſuch ſpeciall matter in euidence to the Jury, which ſhall try the ſame: which ſpeciall matter, being pleaded, had beene a good ſufficient matter in Law, to haue diſcharged the ſaid Defendant, or Defendants, of the treſpaſſe, or other matter, layde to his, or their charge. And that if vpon tryall of any ſuch Action, Bill, Plaint, or Suite, the Plaintiffe, or Plaintiffes therein, ſhall not proue to the Jury, which ſhall try the ſame, that the treſpaſſe, battery, impriſonment, or other fact, or cauſe, of his, her, or their ſuch Action, Bill, Plaint, or Suite, was, or were, had, made, committed, or done, within the County wherein ſuch Action, Bill, Plaint, or Suite ſhalbe layde, That then in euery ſuch caſe, the Jury which ſhall try the ſame, ſhall finde the Defendant & Defendants, in euery ſuch Action, Bill, Plaint, or ſuit, not guiltie, without hauing any regard, or reſpect, to any euidence giuen by the Plaintiffe, or Plaintiffs therein, touching the treſpaſſe, battery, impriſonment, or other cauſe, for which the ſame Action, Bill, Plaint, or Suite is, or ſhalbe brought. And if the verdict ſhall paſſe with the Defendant, or Defendants, in any ſuch Action, Bill, Plaint, or Suit, or the Plaintiffe, or Plaintiffes therein, become non-ſuite, or ſuffer any diſcontinuance thereof, that in euery ſuch caſe, the Defendant, or Defendants, ſhall haue, his, or their double coſts, which he, or they, ſhall haue ſuſtained, by reaſon of their wrongfull veration, in defence of the ſaid Action, or ſuite, for which the ſaid Defendant, or Defendants, ſhall haue like remedy, as in other caſes, where coſts, by the Lawes of this Realme, are giuen to the Defendants.

CAP. XVII.

An Act, that where the Plaintiffe is non-ſuite, the Defendant ſhall recover coſts.

BEe it enacted by the King our Soueraigne Lord, and the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame: That if any perſon or perſons, at any time, after the firſt day of May, which ſhalbe in the yeare of our Lord God 1635. commence or ſue, in any Court of Record, or elſewhere, in any other Court, any Action, Bill, Plaint, or Treſpaſſe vpon the Statute of King Richard the ſecond, made in the fifth yeare of his reigne, for Entries into lands and tenements, where none entrie is giuen by the Law, or any action, bill, or plaint of debt, or Couenant: or vpon any Contract, ſuppoſed to bee made betweene the Plaintiffe, or Plaintiffes, & any perſon or perſons, or any action, bill, or plaint of Detinue, of any goods or chattells, whereof the Plaintiffe or Plaintiffes, ſhall ſuppoſe that the propertie belongeth to them, or to any of them, or any action, bill, or plaint of accompt, in the which the plaintiffe or plaintiffes ſuppoſe the defendant or defendants to be their Bayliffe or Bayliffes, Receiuer or Receiuers, of their mannor, meſe, money or goods to yeeld accompt: or any action, bill, or plaint vpon the caſe, or vpon any ſtatute, for any offence or wrong perſonall, immediatly ſuppoſed to bee done to the Plaintiffe, or Plaintiffes: and the Plaintiffe or Plaintiffes, in any ſuch kind of Action, Bill, or Plaint, after appearance of the Defendant or Defendants bee non-ſuited, or that any verdict happen to paſſe by lawfull tryall againſt the plaintiffe or plaintiffes in any ſuch action, bill, or plaint, that then the defendant or defendants, in euery ſuch action, bill, or plaint, ſhall haue Judgment to recouer his coſts againſt euery ſuch plaintiffe or plaintiffes: And that to bee aſſeſſed and taxed by the diſcretion of the Judge or Judges the Court, where any ſuch Action, Bill, or Plaint, ſhall be commenced, ſued, or taken: And alſo that euery Defendant in ſuch action, bill, or plaint, ſhall haue ſuch proceſſe and execution for the recouery & hauing of his coſts againſt the Plaintiffe or Plaintiffes, as the ſame Plaintiffe or Plaintiffes, ſhould or might haue had, againſt the Defendant or Defendants, in caſe that Judgement had beene giuen on the part of the ſaid Plaintiffe or Plaintiffes, in any ſuch action, bill, or plaint.

Prouided alway, that all and euery ſuch poore perſon or perſons, being plaintiffe or plaintiffes, in any of the ſaid actions, bils, or plaints, which at the commencement of the ſuits, or actions, be admitted by diſcretion of the Judge or Judges, where ſuch ſuits

or

or actions ſhalbe purſued or taken, to haue their proceſſe & counſell of charity, without any money or fee paying for the ſame, ſhall not be compelled to pay any coſts, by virtue and force of this Statute, but ſhall ſuffer other puniſhment, as by the diſcretion of the Juſtices or Judge, before whom ſuch ſuits ſhall depend, ſhalbe thought reaſonable, any thing afore rehearſed to the contrary hereof notwithſtanding.

Prouided notwithſtanding, that if the plaintiffe or plaintiffes, be, or ſhalbe non-ſuited in any whatſoeuer Action, ſuit, bill, or plaint, commenced, or to be commenced, ſued, or to be ſued, to the vſe of our ſaid Soueraigne Lord the King, his Heires or Succeſſors, or that it ſhall happen any ſuch verdict to paſſe againſt any ſuch plaintiffe or plaintiffes, in any action, ſuit, bill, or plaint, ſued, or to be ſued to the Kings vſe, the defendant or defendants ſhall not recouer any coſts, againſt any ſuch plaintiff or plaintiffes, any Act, or Statute, made in this preſent Parliament, or any other thing to the contrary being in any wiſe notwithſtanding.

CAP. XVIII.

An Act appointing an order to Iuſtices of Peace, touching the bailement, committing, & taking examination of Priſoners, &c.

WHere in the Parliament holden at Weſtminſter, in the third yeare of the raigne of the Noble Prince King Henry the ſeuenth: It was among other things ordayned and enacted, that no priſoner, arreſted for felonie, ſhould be letten to baile or mainprize, by any one Iuſtice of peace, but by the whole Iuſtices, or at leaſt by two of them, whereof one to be of the Quorum: ſince the making of which Statute, one Iuſtice of peace, in the name of himſelfe, and one other of the Iuſtices, his Companion, not making the ſaid Iuſtice partie, nor priuie vnto the cauſe, wherefore the priſoner ſhould be bayled, hath oftentimes by ſiniſter labour & meanes, ſet at large the greateſt Offendors, ſuch as be not repleviſable by the Lawes of this Realme, and yet the rather to hide their affections in that behalfe, haue ſignified the cauſe of their apprehenſion, to be but onely for ſuſpition of felonie, whereby the ſaid Offendors haue eſcaped vnpuniſhed, and doe daylie, to the high diſpleaſure of Almighty God, the great perill of the Kings true Subiects, and encouragement of all Theeues and euill doers.

For reformation whereof, bee it ordained, and enacted by the Kings moſt excellent Maieſtie, the Lords ſpirituall and temporall, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that from and after the firſt day of May

next enſuing, no Juſtice, or Juſtices of peace, ſhall let to baile or mainprize, any ſuch perſon or perſons, which for any offence or offences, by them or any of them committed, be declared not to be replevied or bayled, or be forbidden to be replevied or bayled by the Statute of Weſtminſter the firſt, made in the Parliament holden in the third yeare of the raigne of King Edward the firſt. And furthermore, that any perſon or perſons, arreſted for Man-ſlaughter or felonie, or ſuſpition of Man-ſlaughter, or felonie, being baileable by the Law, ſhall not after the ſaid firſt day of May, be let to baile or mainprize, by any Juſtices of peace, if it bee not in open Seſſions, except it be by two Juſtices of peace at the leaſt, whereof one to be of the Quorum, & the ſame Juſtices to be preſent together at the time of the ſaid bailement or mainprize: which bayleement or mainprize they ſhall certifie in writing, ſubſcribed or ſigned with their owne hands, at the next generall Gaole-deliuery, to be holden within the Countie, where the ſaid perſon or perſons ſhalbe arreſted, or ſuſpected. And that the ſaid Juſtices, or one of them, being of the Quorum, when any ſuch priſoner is brought before them, for any Man-ſlaughter or felonie, before any baile or mainprize ſhall take the examination of the ſaid priſoner, & information of them that bring him, of the fact & circumſtances thereof, and the ſame, or almuch thereof, as ſhalbe material to proue the felonie, ſhall put in writing before they make the ſame bailement: which ſaid examination, together with the ſaid bailement, the ſaid Juſtices ſhall certifie at the next generall Gaole-deliuery, to bee holden within the Countie where ſuch offence or offences ought to be tryed, & that euery Coroner vpon any Inquiſition, before him found, whereby any perſon or perſons ſhall bee indicted for Murther or Man-ſlaughter, or as acceſſarie or acceſſaries to the ſame, before the Murder or Man-ſlaughter committed, ſhall put in writing the effect of the Euidence giuen to the Jury before him, being materiall, and alwell the ſaid Juſtices, as the ſaid Coroner, ſhall haue authoritie by this Act, to bind all ſuch by Recognizance or Obligation, as doe declare any thing materiall, to proue the ſaid Murther or Man-ſlaughter, or offences, or felonies, or to bee acceſſary or acceſſaries of the ſame, as is aforeſaid, to appeare at the next generall Gaole deliuery, to be holden within the Countie, Citty, or Towne Corporate, where the tryall thereof ſhalbe, then & there to giue euidence in, againſt the partie ſo indicted, at the time of his tryall, and ſhall certifie alwell the ſame euidence, as ſuch bond and bonds in writing, as hee ſhall take, together with the Inquiſition or Indictment, before him taken and found, at, or before the time of the ſaid tryall thereof to bee had or made. And likewiſe the ſaid Juſtices ſhall certifie all & euery ſuch bond taken before them, in like manner as before is ſaid of bailements & examination. And in caſe any Juſtice of peace of the Quorum, or Coroner, ſhall after the ſaid firſt day of May, offend in any thing contrary

trary to the true intent & meaning of this present Act, That then the Justices of Gaole-deliuery of the Shire, Citty, Towne, or place, where such offence shall happen to be committed, vpon due proofe thereof by examination before them, shall for euery such offence set such Fine on euery of the same Justices of the peace, & Coroner, as the same Justices of Gaole-deliuery shall think meet, & estreate the same as other fines & amerciaments, assessed before Justices of Gaole-deliuery, ought to be.

And be it also enacted by the authority aforesaid, that no writ of Habeas Corpus, or Certiorari, shalbe hereafter granted to remoue any Prisoner out of any Gaole, or to remoue any Recognizance, except the same writs doe containe a clause to certifie the true cause of the imprisonment of the said Prisoner, & the cause of the taking of the said Recognizance, and the names of the Justices of the peace who committed such Prisoner and tooke such Recognizance: And except the same writ be signed with the proper hands of the Chiefe Justice, or in his absence, of one of the Justices of the Court, out of which the same writ shalbe awarded or made, vpon paine that he that writeth any such writ in other manner, as is aforesaid, not being signed, as is aforesaid, to forfeit to our said Soueraigne Lord the King, for euery such writ, fiue pounds. And that all writs of Certiorari, and Habeas Corpus, from henceforth to be issued, contrary to this Act, shalbe vtterly voyde, & of no effect, and shalbe no warrant to remoue the Prisoner or Recognizance.

Be it further enacted by the authority of this present Parliament, that from henceforth such Justice or Justices, before whom any person or persons shalbe brought, for any Treason, Murder, Man-slaughter or Felonie, or for suspition thereof, before he, or they shall commit or send such prisoner or prisoners to ward, shall take the examination of such prisoner & prisoners, & informations of those that bring him, or them, of the fact & circumstance thereof: And the same, or almuch thereof as shalbe materiall to proue the said Treason, Murther, Man-slaughter, or Felonie, shall put in writing within two dayes after the said Examination. And the same shall certifie in such manner & forme, & at such time, as he, or they, should, & ought to doe, if such prisoner or prisoners so committed or sent to ward, were baileable, or had been bailed, or let to mainprize, vpon such paine, as in this Act is aboue limited, & appointed, for not taking, or not certifying of Examinations.

And be it further enacted by the authority aforesaid, That the said Justice or Justices, shall haue authority by this Act, to binde all such by Recognizance, or Obligation, as doe declare any thing materiall to proue the said Treason, Murther, Man-slaughter, or Felonie, against such prisoner or prisoners as shalbe so committed to ward, to appeare at the next generall Gaole-deliuery, to be holden within the Countie, Citty, or Towne Corporate, where the tryall of the said Treason, Murder, Man-slaughter,

ter or Felonie shalbe, then & there to giue euidence against the partie. And that the said Justice or Justices, shall certifie the said Bonds taken before him or them, in like manner as they should & ought to certifie the Bonds where the prisoner is baileable, let to baile or mainprize, vpon such paine, as in this Statute is formerly mentioned, for not certifying such Bonds concerning such prisoners as shall be let to bayle or mainprize, as aforesaid.

CAP. XIX.

An Act for the tryall of Murthers and Felonies committed in severall Counties &c.

FOrasmuch as the most necessary office & datie of law, is to preserue & saue the life of Man, and condignely to punish such persons that vnlawfully or wilfully, murther, slay or destroy men: & also that another office and duty of Law, is to punish Robbers & Theeues, which daylie endeauour themselues to robbe & steale, or giue assistance to the same, and yet by craft & tautile, doe escape from the same without punishment. And where it often happeneth & commeth in vre in sundry Counties of this Realme, that a man is feloniously stricken in one Countie, & after dyeth in another Countie: In which case & diuers other cases of that nature, it hath not been found by the Lawes & customes of this Realme, that any sufficient indictment thereof can bee taken in any of the said two Counties. For that by the Customes of this Realme, the Jurors of the Countie where such party dyed of such stroke, can take no knowledge of the said stroke, being in a forreine Countie, although the same two Counties & places adioyne very neere together, nor the Jurors of the Countie where the stroke was giuen, cannot take knowledge of the death in any other Countie, although such death most apparantly came of the same stroke: So that the Kings Maiestie within his owne Realme, cannot by any Lawes, yet made or knowne, punish such Murderers or Mankillers, for offences in this forme committed & done, nor any appeale at some time may lye for the same, but doth also faile, and the said Murtherers & Mankillers escape thereof without punishment, aswell in Cases where the Counties where such offences be committed and done, may ioyne, or otherwise where they may not ioyne. And also it is a common practice among errant Theeues and Robbers in this Realme, that after they haue robbed or stollen in one Countie, they will conuey their spoyle, or part thereof, so robbed & stollen, vnto some of their adherents, in some other Countie where the principall offence was not committed or done, who knowing of such felonie, willingly, and by false covin, receiue the same: in which case, although the principall felon bee attainted

tainted in the one Countie, the Accessarie escapeth by reason that he was accessarie in another Countie, and that the Jurors of the said other Countie, by any law yet made, can take no knowledge of the principall Felonie nor Attainder in the first Countie, and so such Accessaries escape thereof vnpunished, and doe often put in vre the same, knowing that they may escape without punishment; For redresse and punishment of which offences, and other offences of like nature, and safe-guard of mans life, Be it enacted by authority of this present Parliament, that where any person or persons hereafter, shalbe traiterously or feloniously stricken, poysoned, or bewitched in one Countie, and dye of the same stroke, poysoning, or bewitching, in any other Countie within this Kingdome, or in any other part or place out of this Kingdome: Or where any person or persons hereafter shalbe traiterously or feloniously stricken, poysoned, or bewitched in any part or place out of this Kingdome, and dye of the same stroke, poysoning, or bewitching, in any Countie within this Kingdome, that then an Indictment thereof, found by Jurors of the Countie where the death shall happen, if in case the same death happen to bee within any Countie within this Kingdome, whither it shalbe found by the Coroner vpon the sight of such dead bodie, or before the Justices of peace, or other Justice or Justices, Commissioner or Commissioners, which shall haue authoritie to inquire of any Treasons, Murders or Man-slaughters shalbe as good & effectuall in the Law, as if the stroke, poysoning or witchcraft had beene giuen, committed, or done in the same Countie where the partie shall dye, or where such Indictment shalbe so found. And in case such death shall happen to be in any other part or place out of this Realme, That then an Indictment thereof, found by Jurors of the Countie, where any such stroke, poysoning, or witchcraft shalbe giuen, committed or done before the Justices of the peace, or other Justice or Justices, Commissioner or Commissioners, which shal haue authoritie to inquire of any Murders or Man-slaughters, and the tryall and Judgement thereupon had & giuen, shalbe as good and effectuall in the Law, to all intents, constructions & purposes, as if the same death had happened in the same Countie where such stroke, poysoning and witchcraft was giuen, committed or done, any Law, or vsage to the contrary notwithstanding. And that the Justice or Justices of Gaole-deliuery, and Oyer, and Determiner in the same Countie where such Indictment, at any time hereafter shalbe taken, and also the Justices of the Kings Bench, after such Indictment shalbe remoued before them, shall and may proceed vpon the same, in all points as they should or ought to doe, in case such felonious stroke and death thereby ensuing, or poysoning and death thereof ensuing, or bewitching and death thereof ensuing, had growne all in one and the same Countie. And that such partie to whom appeale of Murder or Man-slaughter shalbe giuen by the

Law, may cõmence, take & sue appeale of murder or manslaughter in the same Countie, where the partie so feloniously stricken poysoned or bewitched, shall dye: in case he dye within any Countie within this Realme, & in case such death happen out of this Kingdome, then in such Countie where such stroke, poysoning or witchcraft, was committed or done. And that in both cases aswell against the principall & principals, as against euery accessarie to the same offences, in whatsoeuer Countie or place within the Kings Dominions, the Accessarie or Accessaries shalbe guiltie to the same. And further, the Justice or Justices before whom any such appeale shal be commenced sued or taken, within the yeare and day after such Murder or Man-slaughter committed and done; shall proceede against all & euery such Accessarie & Accessaries in the same Countie where such appeale shalbe so taken, in like manner & forme, as if the same offence or offences of Accessarie or Accessaries had beene committed and done in the same Countie where such appeale shall be so taken, aswell concerning the tryall by the Jurors or twelue men of such Countie where such appeale or appeales shalbe hereafter taken vpon the plea of not guiltie, pleaded by such Offendor or Offendors, as otherwise.

And further bee it enacted by the authoritie aforesaid, That where any Murder or Felonie hereafter shalbe committed & done in one Countie, and another person or moe shalbe Accessarie or Accessaries in any manner of wise to any such Murder or Felonie in another Countie within this Realme, or in any other part or place out of this Realme. That then an Indictment found or taken against any such Accessary or Accessaries vpon the circumstance of such matter before the Justices of the peace, or other Justice or Justices, Commissioner or Commissioners, to inquire of Felonies in the Countie where such offences of Accessarie or Accessaries in any manner of wise shalbe committed or done, in case the said offences of Accessarie or Accessaries be committed or done in any Countie within this Realme, shalbe as good and effectuall in the Law, as if the said principall offence had beene committed or done within the same Countie where the same Indictment against such Accessarie, shalbe found. And that the Justice or Justices of Gaole-deliuerie, or Oyer and Determiner, or two of them, of or in such Countie where the offence of any such Accessary shall be hereafter committed and done, vpon suite to them made, shall write to the Custos Rotulorum, Clerke of the Crowne, or other Keepers of the Records, where such principall shalbe hereafter attainted or convict, to certifie them whether such principall be attainted, convicted, or otherwise discharged of such principall Felonie, who vpon such writing to them or any of them directed, shall make sufficient certificate in writing vnder their seale or seales to the said Justice or Justices, Commissioner or Commissioners, whether such principall be attainted, convicted, or otherwise discharged,

charged, or not. And after that they that so shall haue the custody of such Records, doe certifie, that such principall is attainted, conuicted, or otherwise discharged of such offence by the Law, That then the Justice or Justices of Gaole-deliuery, or of Oyer and Terminer, or other there authorized, shal proceed vpon euery such Accessarie in the Countie where such Accessarie or Accessaries became Accessarie, in such manner and forme, as if both the same principall offence and Accessarie had beene committed and done in the same Countie where the offence of Accessarie was or shalbe committed or done: And in case that such offence of Accessarie or Accessaries shall happen to be committed or done in any place out of this Kingdome: That then an Indictment found or taken against such Accessaries or Accessarie, vpon the circumstance of such matter before the Justices of the peace, or other Justice or Justices, Commissioner or Commissioners, to inquire of any Treasons, Murders, Man-slaughters, or other Felonies, in such Countie where the principall Offendor shall or may receiue his tryall by force of this Act of Parliament, shalbe as good & effectuall in the Law, to all intents, constructions & purposes, as if the said offences of Accessarie had beene committed or done in the same Countie where the same Indictment against such Accessarie shall bee found, any law, vsage, custome, or other thing to the contrary notwithstanding.

And be it further enacted by the authoritie aforesaid, that euery Accessarie and other Offendor aboue expressed, shall answer vpon their arraignments, and receiue such tryall, iudgment, order and execution, and suffer such forfeitures, paines and penalties as is vsed in other cases of Treason, Murder, Man-slaughter, or other Felonies: any law or custome to the contrary heretofore vsed in any wise notwithstanding.

CAP. XX.

An Act for punishment of the Vice of Buggery.

FOrasmuch as there is not yet sufficient and condigne punishment appointed and limited by the due course of the Lawes of this Realme, for the detestable and abhominable Vice of Buggery committed with Mankinde or Beast: It may therefore please the Kings Highnes, with the assent of his Lords Spirituall and Temporall, and the Commons of this present Parliament assembled, That it may be enacted, and be it enacted by the authoritie of the same, That the same offence be from henceforth adiudged Felonie, and such order and forme of Proceste therein to bee

vſed againſt the offendors, as in caſes of Felonie at the Common Law: And that the offendors being hereof conuicted by verdict, confeſſion, or out-lary, ſhall ſuffer ſuch paines of death, and loſſes, and penalties of their goods, chattels, debts, lands, tenements, & hereditaments, as Fellons be accuſtomed to doe, according to the order of the Common Lawes of this Realme: And that no perſon offending in any ſuch offence, ſhalbe admitted to his Clergie. And that Juſtices of peace ſhall haue power and authoritie within the limits of their Commiſſions and Juriſdiction, to inquire of the ſaid offence, as they doe vſe to doe, in caſes of other Felonies.

CAP. XXI.

An Act for the reſtrayning all perſons from Marriage, untill their former Wives and former Husbands bee dead.

FOraſmuch as diuers euill-diſpoſed perſons, being married, run out of other of his Maieſties Realmes or Dominions, into this Realme of Ireland, or out of one Countie into another, within the ſaid Realme of Ireland, or into places where they are not knowne, & there become to be marryed, hauing another huſband or wife liuing, to the great diſhonour of God, and vtter vndoing of diuers honeſt mens children and others.

Be it therefore enacted by the Kings Maieſtie, with the conſent of the Lords Spirituall and Temporall, and of the Commons in this preſent Parliament aſſembled, That if any perſon or perſons being marryed, or which hereafter ſhall marry, doe at any time after the end of the Seſſion of this preſent Parliament, marry any perſon or perſons, the former Huſband or wife being aliue, That then euery ſuch offence ſhall be Felonie, and the perſon & perſons ſo offending, ſhall ſuffer death as in caſes of Fellonie. And the party and partyes ſo offending, ſhall receiue ſuch and the like proceeding, tryall and execution in ſuch County where ſuch perſon or perſons ſhalbe apprehended, as if the offence had beene committed wholly within this Realme, & in ſuch County where ſuch perſon or perſons ſhalbe taken or apprehended.

Prouided alwayes, that this Act, nor any thing therein contained, ſhall extend to any perſon or perſons, whoſe huſband or wife ſhalbe continually remayning beyond the Seas by the ſpace of ſeauen yeares together, or whoſe huſband or wife ſhall abſent him or her ſelfe the one from the other by the ſpace of ſeauen yeares together, in any part within his Maieſties Dominions, the one of them not knowing the other to be liuing within that time.

Prouided

Prouided also, and be it enacted by the authoritie aforesaid, that this Act, nor any thing herein contayned, shall extend to any person or persons that are or shalbe, at the time of such Marriage diuorced, by any sentence, had, or hereafter to be had in the Ecclesiasticall Court, or to any person or persons where the former Marriage hath beene, or hereafter shalbe by sentence in the Ecclesiasticall Court declared to be voyde, and of no effect, nor to any person or persons, for, or by reason of any former Marriage, had or made, or hereafter to be had or made, within age of consent.

Prouided also, that no Attainder for this offence made Felonie by this Act, shall make or worke any corruption of Blood, losse of Dower, or disinherison of heire or heires.

CAP. XXII.

An Act against Vsurie.

FOr the avoyding of excessiue Usurie heretofore commonly vsed in this Kingdome: Bee it enacted by the Kings most excellent Maiestie, the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, That no person or persons whatsoeuer from and after the first day of May next ensuing, vpon any contract to be made after the said first day of May, shall take directly or indirectly for loane of any Moneyes, Wares, Merchandize, or other commodities whatsoeuer, aboue the value of Ten pounds for the forbearance of one Hundred pounds for a yeare, and so after that rate for a greater or lesser summe, or for a longer or shorter time: And that all Bonds, Contracts & Assurances whatsoeuer, made after the time aforesaid for payment of any principall, or money to be lent, or couenanted to be performed vpon or for any Usury, whereupon or whereby there shalbe reserued or taken aboue the rate of Ten pounds in the Hundred, as aforesaid, shalbe vtterly voyde: And that all & euery person & persons whatsoeuer, which shall after the time aforesaid, vpon any Contract to be made, take, accept & receiue, by way or meanes of any corrupt Bargaine, Loane, Exchange, Cheuisance, shift or Interest of any Wares, Merchandizes, or other things whatsoeuer, by any deceiptfull way or meanes, or by any couin, engine, or deceitfull conueyance for the forbearing or giuing day of payment for one whole yeare, of & for their Money or other thing, aboue the summe of Ten pounds for the forbearing of one Hundred pounds for a yeare, & so after that rate for a lesse or greater summe, or for a longer or shorter time, shall forfeite & lose for euery such offence, the treble value of the Moneys, Wares, Merchandize, & other things so lent, bargained, sold, exchanged or shifted.

And be it further enacted by the authoritie aforesaid, That all & euery Scriuenor & Scriuenors, Broker & Brokers, Sollicitor and Sollicitors, Driuer & Driuers of bargaines for Contracts, who shall after the said first day of May next ensuing, take or receiue, directly or indirectly, any summe or summes of money, or other reward or thing, for Brokage, Soliciting, Driuing, or procuring the loane or forbearing of any summe or summes of money ouer and aboue the rate or value of fiue shillings for the loane or forbearing of an hundred pounds for a yeare, and so rateably, or aboue twelue pence for making or renewing of the Bond or Bill for the loane or forbearing therof, or for any Counter-bond or Bill concerning the same, shall forfeit for euery such offence, Twenty pounds, and haue imprisonment for halfe a yeare, The one moytie of all which forfeitures to bee to our Soueraigne Lord the Kings Maiestie, his Heires and Successors: And the other moytie to him or them that shall sue for the same in the same Countie where the seuerall offences are committed, and not else-where, by action of debt, bill, plaint, or information, in which no Essoyne, Wager of Law, or protection to be allowed.

Prouided, that no words in this Law contained, shalbe construed or expounded to allow the practice of Usurie in point of Religion or Conscience; Be it further enacted by the authoritie aforesaid, that one Statute made in a Parliament holden at Westminster in the third yeare of the raigne of the late King Henry the seauenth of famous memorie, and all other Statutes concerning Usury, of force in this Kingdome, before the making of this Act, are, & by vertue of this Act shall be from henceforth repealed, avoyded, and of none effect.

CAP. XXIII.

An Act to avoyde and prevent diverse misdemeanors in idle and lewd persons in barking of Trees &c.

FOrasmuch as vnlawfull cutting & taking away of Corne and Graine growing, robbing of Orchards and Gardens, digging vp or taking away of Fruite trees, breaking of Hedges, Pales, or other Fences, cutting or spoiling of Woods or vnder-woods standing and growing, Barking of growing Trees, and such like offences are now more committed by lewd & meane persons, then in former times, and that the said offences are great causes of the maintaining of Idleneese, & the persons which commit the same, are not for the most part able, nor haue wherewith to make recompence or satisfaction,

Be

Be it therefore enacted by the authoritie of this present Parliament, That all and euery such lewd person and persons, which from & after the first day of May now next following, shall cut, or vnlawfully take away any Corne or Graine growing, or robbe any Orchards or Gardens, or breake or cut any Hedge, Pales, Railes or Fence, or dig, pull vp, or take vp any fruite tree or trees in any Orchard, Garden, or elsewhere, to the intent to take & carry the same away, or shall barke any tree or trees that are growing, or shall cut or spoyle any woods or vnder-woods, Poles, or trees standing, not being Felony by the Lawes of this Realme, & their procurer or procurers, receiuer or receiuers, knowing the same, being thereof lawfully conuicted by the confession of the party, or by the testimonie of one sufficient witnesse vpon oath before some one Justice of peace, Mayor, Bayliffe, or other head officer, which shall haue power by force of this Statute, to minister the said oath (where the offence shalbe committed, or the party offending apprehended) shal giue the party and parties such recompence & satisfaction for his and their damages, & within such time as by any such one Justice of Peace of the said Countie where such offence shalbe done, without the liberty of any Citty or Town Corporate, or by such head Officer or Justice of Peace within any Citty or Towne Corporate, shalbe ordered & appointed. And if such Offendor or Offendors shalbe thought in the discretion of the said Justice or Justices, or other head Officer, not able or sufficient, or doe not make recompence or satisfaction for the said damages in manner & forme aforesaid, then the said Justice or head Officer, shall commit all and euery the said offendor or offendors, to some Constable or Constables, or other inferiour officers of the Citty, Burrough, Towne or Hamlet where the offence shall be committed, or the party apprehẽded to be whipped, & for euery such offence, for, or of which, the offendor or offendors shalbe eft-soones committed in forme aboue limited, the person & persons so offending, to receiue the said punishment of whipping.

And bee it enacted by the authoritie aforesaid, that if any Constable or inferiour Officer doe refuse, or doe not at the Commandement of any Justice of Peace, or other head officer, execute by himselfe or by some other to bee by him appointed, vpon the offendor, the punishment limited by this Statute, that in that case it shall & may be lawfull for the said Justice of Peace, to commit the Constable or other inferiour officer so refusing, or not executing the said punishment by himselfe, or some other, to the Common-Gaole of the said Countie, Citty, or Towne Corporate, there to remaine, without baile or mainprize, vntill the said offendor or offendors be by the said Constable or Constables so refusing, or not executing, or some other by his or their procurement, punished and whipped, as is aboue limited and declared.

Prouided alwayes, that no Justice of Peace, or other head Offi-

Officer, doe execute this Statute, for any of the offences aforesaid done vnto himselfe.

CAP. XXIV.

An Act for the better preservation of Fishing in the Counties of Dublin, Wicklow, Wexford, Waterford, Cork, Kerry, Clare, Gallway, Mayo, Sligo, & all other Counties & places within the Realme of Ireland, and the Dominions thereof adjoyning to the Sea-coast, and for the relieſe of Balkors, Condors, and Fisher-men, against malicious suits.

WHereas the Trade of Fishing for Herrings, Pilchards, and Seane-Fish, within the Counties of Dublin, Wicklow, Wexford, Waterford, Corke, Kerry, Clare, Gallway, Mayo, Sligo, and of other Counties and places within the said Realme of Ireland, and the Dominions thereof adioyning to the Sea-coast, is, & of late time hath been very great and profitable, aswell to diuers of the Fisher-men, as other his Maiesties Subiects within this Realme of Ireland, & the Dominions thereof. And whereas also for the necessary vse of the taking of the said Herrings, Pilchards, & other Seane-fish, diuers persons within the said Counties, called Balkors, Huors, Condors, Directors or Guidors at the Fishing time, for the said Herrings, Pilchards, & other Seane-Fish within the said Counties & places time out of mind, haue vsed to watch, & attend vpon the high hills & grounds neere adioyning to the Sea-coasts within the said Counties and places, for the discouery & giuing notice to the Fisher-men & Inhabitants neere adioyning, when the said Herrings, Pilchards, & Seane-Fish come towards or neere the Sea-coasts there, and for the guiding, & directing of the Fisher-men in their Boates vpon the Sea-coasts, for the taking of the said Herrings, Pilchards, & other Seane-fish. And whereas also now of late, diuers persons hauing lands, tenements & hereditaments neere adioyning to the Sea-coasts within the said Counties, or other places where the said fishing-places, for the taking of the said Herrings, Pilchards, & other Seane-fish are, haue threatned to bring their actions of trespasse at the Common Law, or other suits, as well in the high Courts of Record at Dublin, as in inferiour Courts within the said Counties, not onely against such Balkors, Huors, Condors, Directors & Guidors, but also against such Fisher-men, & other persons for breaking of their Close, as haue attended their seanes or netts for the drawing, and carrying of the said Fish on land or shoare,

ſhoare, by reaſon whereof ſuch Watch-men, Balkers, Huoꝛs, Condoꝛs, Directoꝛs, & Guidoꝛs, and ſuch other perſons as heretofoꝛe haue attended the ſaid ſeaues & fiſhings, haue foꝛboꝛne to enter into, oꝛ goe vpon the lands, tenements and hereditaments, neere adioyning to ſuch Fiſhing places within the ſaid Counties and places, foꝛ the watching oꝛ diſcouery of the ſaid Herrings, Pilchards, and other Seane-fiſh, oꝛ to balke, huc, cond, oꝛ direct, oꝛ to attend the ſeaues oꝛ nets, as heretofoꝛe they haue done, and will likewiſe foꝛbeare the ſame hereafter, if pꝛouiſion bee not had & made, that they may lawfully enter into & vpon ſuch lands, tenements, & hereditaments, as doe lye neere and adioyning to the ſaid Sea-coaſts, & places of fiſhing, as afoꝛeſaid, foꝛ their watching, balking, directing, & attending of the ſeaues, as is afoꝛeſaid.

Foꝛ remedy whereof, and foꝛ the maintenance of the ſaid trade of Fiſhing, which doth ſo greatly tend to the pꝛofit of many of the Inhabitants within the ſaid Counties, & others, Be it therefoꝛe enacted & declared by our Soueraigne Loꝛd the King, the Loꝛds Spirituall and Tempoꝛall, & the Commons in this pꝛeſent Parliament aſſembled, that it is, ſhall, and may be lawfull at all times hereafter, to and foꝛ euery ſuch Watch-men, Balkers, Huoꝛs, Condoꝛs, Directoꝛs & Guidoꝛs, and all ſuch Fiſher-men & other perſons as ſhal neceſſarily attend the ſaid ſeaues oꝛ nets, as afoꝛeſaid, at the times of fiſhing foꝛ Herrings, Pilchards, & other ſeane-fiſh, within the ſaid Counties & places where ſuch fiſh ſhalbe hereafter taken; to enter & goe into, and vpon, any lands, tenements & hereditaments which doe lye oꝛ adioyne, neere vnto any ſuch Fiſhing-places, fit, conuenient & neceſſary to watch and balke in, oꝛ to dꝛaw & carry the ſaid Fiſh on ſhoare, & there to watch foꝛ the ſaid Fiſh, & to balk, hue, conde, direct & guide the ſaid Fiſher-men which ſhalbe vpon the ſaid Sea and Sea-coaſts, foꝛ the taking of the ſaid Fiſh, and to dꝛaw and carry the ſaid Fiſh, on land, oꝛ ſhoare; any law, vſage, oꝛ cuſtome to the contrary in any wiſe notwithſtanding.

And be it further enacted by the authoꝛitie afoꝛeſaid, that if any action of treſpaſſe, oꝛ other ſuite, ſhall at any time hereafter happen to be attempted and bꝛought againſt any perſon oꝛ perſons foꝛ entring and going on the lands, foꝛ watching of the ſaid Fiſh, oꝛ foꝛ balking, huyng, conding, directing oꝛ guiding of the ſaid Fiſher-men in their Boats vpon Sea oꝛ Sea-coaſt, foꝛ taking of the ſaid Fiſh, oꝛ foꝛ landing of the ſaid Fiſh, as afoꝛeſaid, by authoꝛity of this pꝛeſent Act, the Defendant and Defendants in any ſuch action oꝛ ſuite, ſhall and may, pleade not guiltie, foꝛ any thing doing, by vertue of this Act, and vpon the tryall of that iſſue, the whole matter to be giuen on both parties in euidence, accoꝛding to the very truth of the ſame, & after ſuch iſſue tryed foꝛ the Defendant oꝛ Defendants, oꝛ non-ſuite of the Plaintiffe oꝛ Plaintiffes, after appeaꝛãce, the ſame defendãt oꝛ defendants to recouer his oꝛ

their damages, by reaſon of his or their wrongfull vexation in that behalfe, with coſts alſo in that behalfe ſuſtayned, & that to bee aſſeſſed by the ſame Jury, that ſhall try the ſaid iſſue, or elſe by writ to enquire of damages, as the caſe ſhall require; for which coſts and damages, ſuch Defendant ſhall and may by vertue of this Act, take and ſue forth ſuch execution, as the Defendant in a replevin may doe.

CAP. XXV.

¶ An Act for the impounding of Diſtreſſes.

FOr the avoyding of grieuous vexations, exactions, troubles, and diſorder in taking of Diſtreſſes, and impounding of Cattell: Bee it enacted by authoritie of this preſent Parliament, That from & after the firſt day of May next enſuing, no diſtreſſe of Cattell ſhalbe driuen out of the hundred or Barony, where ſuch Diſtreſſe is or ſhalbe taken, except it be to a Pound overt, within the ſaid Shire, not aboue three miles diſtant from the place, where the ſaid Diſtreſſe is taken: And that no chattell, or other goods diſtreined or taken by way of diſtreſſe for any manner of cauſe, at one time, ſhalbe impounded in ſeuerall places, whereby the Owner, or Owners of ſuch Diſtreſſe ſhalbe conſtrayned to ſue ſeuerall Replevynes, for the deliuery of the ſaid Diſtreſſe ſo taken at one time, vpon paine euery perſon offending, contrary to this Act, ſhal forfeit to the party grieued for euery ſuch offence, an hundred ſhillings, and treble damages.

And be it further enacted by the authority aforeſaid, that after the ſaid firſt day of May, no perſon or perſons ſhall take for keeping in Pound, impounding, or poundage of any manner of Diſtreſſe aboue the ſumme of Foure pence ſterling for any whole Diſtreſſe that ſhalbe ſo impounded. And where leſſe hath beene vſed, there to take leſſe, vpon paine of fiue pounds to bee payde to the party grieued, ouer & beſide ſuch moneyes as he ſhall take aboue the ſumme of foure pence: any vſage, or preſcription to the contrary in any wiſe notwithſtanding.

And for the more ſpeedy deliuery of Cattell taken by way of Diſtreſſe, It is further enacted by the ſaid authoritie, That euery Sheriffe of Shires, being no Citties nor townes made Shires, ſhall at his firſt Countie day, or within two moneths next after he hath receiued his Patent of his Office of Sheriffwicke, depute, appoint, & proclayme in the Shire Towne within his Bayliffwicke, foure Deputies at the leaſt, dwelling not aboue twelue miles the one diſtant from the other, which ſaid Deputies ſo appointed and proclaymed, & euery of them, ſhall haue authoritie in the

the Sheriffes name, to make Replevins & deliverance of such Distresses, in such manner & forme as the Sheriffes may or ought to doe, upon paine, that every Sheriffe, for every moneth that he shall lacke such Deputie or Deputies, shall forfeit for every such offence five pounds, the one moytie of which forfeitures shalbe to the Kings Highnes, his Heires and Successors, the other halfe to him that will sue for the same, by bill, plaint, information, or action of debt in any the Kings Courts of Record, in which no essoyne, protection, nor wager of Law shalbe admitted.

CAP. XXVI.

An Act concerning the repayring and amending of Bridges, Causeyes, and Toghers on the High-wayes.

BEe it enacted by the King our Soveraigne Lord, & the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by authoritie of the same, That aswell the Justices of Assize in their severall Circuites: As also the Justices of Peace in every Shire of this Realme, Franchise, Citty or Burrough, shall have power and authority to enquire, heare and determine publiquely in the Generall Assizes or Sessions of the Peace respectively, of all manner of annoyances of Bridges, Causeyes, and Toghers, broken or decayed in the high wayes, to the damage of the Kings Liege people: And also of and concerning the new building, erecting and making of new Bridges, Causeyes, or Toghers, in other places fit and necessary for the same, and to make such processe and peines upon every presentment afore them respectively, for the reformation of the same, against such as ought to be charged for the making or amending of such Bridges, Causeyes, & Toghers, as the Kings Justices of his Bench use commonly to doe, or as it shall seeme by their discretions to be necessary and convenient, for the speedy amendment, erecting & making of such Bridges, Causeyes, and Toghers, & every or any of them. And where in many parts of this Realme, it cannot be knowne and proved what Countie, Barony, City, Burrough, Towne or Parish, nor what person certaine, or Body politique, ought of right to make or repayre such Bridges, Causeyes, or Tohers, by reason whereof such Bridges, Causeyes, and Toghers, for lacke of knowledge of such as ought to make or repayre them, for the most part lye without making or repayring, to the great annoyance of the Kings Subiects.

For the remedy thereof, be it enacted by the authoritie aforesaid, That in every such case, the said Bridges, Causeyes, & Toghers,

hers, if they be without Citty or Towne corporate, shalbe made by the Inhabitants of the Shire or Barony, within the which the said Bridges, Causeyes, and Coghers shall happen to be in decay, or thought fit to be newly erected or made. And if within any citty or towne corporate, which is a Countie of it selfe, then by the Inhabitants of euery such city or towne corporate, wherein such Bridges, Causeyes and Coghers shall happen to be in decay, or thought fit to be newly erected and made. And if within a towne corporate, which is no Countie, then by the Countie or Barony wherein such Bridges, Cawseyes, or Coghers shall happen to be, or thought fit to be newly erected. And if part of any such Bridges, Causeyes, and Coghers, or any of them happen to be in one Countie, and the other part thereof in another Countie, that then in euery such case, the Inhabitants of both the said Counties shalbe charged & chargeable to amend, make and repaire such part and portion of such Bridges, Causeyes, and Coghers, or any of them as shall lye & be within the limits of the Shire wherein they be inhabiting and dwelling.

And be it further enacted, that in euery such case, the said Justices of Assize in their circuits, and the said Justices of the Peace in the Quarter-Sessions respectiuely, with the assent of the Grand-Jury, shall haue power & authoritie to tax and set euery Inhabitant in any such Countie, Barony, City, Burrough, Town, or Parish within the limits of their commissions and authorities, to such reasonable ayde & summe of money as they shall thinke by their discretions conuenient and sufficient, for the new building, repayring, re-edifying and amendment of such Bridges, Causeyes, & Coghers, and after such Carations made, the said Justices of Assize, and Justices of Peace respectiuely, shall cause the names and summes of euery particular person so by them taxed, to be written in a Rolle Indented, and shall also haue power and authority to make two Collectors of euery Barony, Citty, Burrough, Towne or Parish, for collection of all such summes of money by them set and taxed, which Collectors receiuing the one part of the said Rolle Indented, vnder the seales of the said Justices, shall haue power and authority to collect and receiue all the particular summes of money therein contayned, and to distrayne euery such Inhabitant, as shalbe taxed and refuse payment thereof in his lands, goods and chattles, and to sell such distresse, and of the sale thereof retayne and perceiue all the money taxed, and the residue (if the distresse be better) to deliuer to the Owner thereof, and that the same Justices of Assize, and Justices of the Peace respectiuely within the limits of their commissions & authorities, shall also haue power and authority to name and appoint two Surueyors which shall see euery such Bridge, Causey and Cogher builded, repayred, and amended from time to time, as often as need shall require, to whose hands the said Collectors shall pay

the

the ſaid ſummes of money taxed, and by them receiued: And that the Collectors and Surueyors, and euery of them, and their Executors and Adminiſtrators, and the Executors and Adminiſtrators of them and euery of them from time to time, ſhall at the publick Seſſions of the Peace, make a true declaration and accompt to the Juſtices of Peace of the Shire, Citty or Towne corporate wherein they ſhalbe appointed Collectors or Surueyors of the Receipts, payments and expences of the ſaid ſummes of money. And if they or any of them refuſe that to doe, that then the Juſtices of the Peace from time to time by their diſcretions, ſhall haue power and authority to make proceiſe againſt the ſaid Collectors and Surueyors, and euery of them, their Executors and Adminiſtrators, and the Executors and Adminiſtrators of euery of them, by attachments vnder their Seales, returnable at the generall Seſſions of the Peace; and if they appeare, then to compell them to accompt, as is aforeſaid, or elſe if they or any of them refuſe that to doe, then to commit ſuch of them as ſhall refuſe, to warde, there to remaine without baile or mainprize, till the ſaid declaration and accompt be truly made.

And bee it further enacted by the authority aforeſaid, that the Juſtices of Aſſize, and Juſtices of the Peace, reſpectiuely, ſhall haue full power and authority to allow ſuch reaſonable coſts and charges to the ſaid Surueyors and Collectors, as by their diſcretion ſhalbe thought conuenient.

Statuta, Ordinationes,

Actus & Proviſiones in Parliamento prædicto apud Caſtrum *Dublin*, prædicto die Lunæ, viz. viceſimo ſexto die Ianuarij, anno regni dicti Domini Regis CAROLI decimo, coram prefato Deputato ſuo ſimiliter tento & ibidem continuato uſque ad viceſimum primum diem Martij tunc proximè ſequentis, ædita in hæc verba.

CAP. I.

An Act for maintenance and execution of Pious Vſes.

FOr the aduancement of Pious Intentions, and the better execution of Charitable Vſes & Truſts, Be it enacted by the authority of this Parliament, That all Arch-biſhops and Biſhops of this Kingdome, and their Succeſſors for euer, ſhall and may from the time of any grant or eſtate to them, or any of them, and to their or any of their Succeſſors, made or to be made, either by our late Soueraigne Lord King Iames of happy memory, or by the King our Soueraigne Lord that now is, or any of their Heires or Succeſſors, or by any other perſon or perſons, bodies politique and corporate whatſoeuer, of any Manors, lands, tenements, tithes, penſions, profits, or other hereditaments, vnto the vſe, or vpon truſt and confidence vnto or for the erection, maintenance or ſupport of any Colledge, Schoole, Lecture in Diuinity, or in any the Liberall Arts or Sciences, or for the releife or maintenance of any manner of poore, ſuccourleſſe, diſtreſſed, or impotent perſons, or for the building, re-edifying or maintaining in repaire of any Church, Colledge, Schoole, or Hoſpitall, or for the maintenance of any Miniſter & Preacher of the holy Word of God, or for the erection, building, maintenance or repayre of any Bridges, Cauſeyes, Cashes, Paces and High-wayes within this Realme, or for any other like lawfull & charitable vſe or vſes warranted by the Lawes of this Realme now eſtabliſhed & in force, are & ſhalbe taken & conſtrued to be good and effectuall in Law, according to the purport and true intent and meaning thereof: And that they the ſaid Arch-biſhops and Biſhops, and their Succeſſors, and euery of them, ſhall and may be compelled by way of ſub-pena, in the high Court of Chancerie, or by petition before the Lord Deputie, and Priuy Councell of this Kingdome at the Councell Board, to execute and performe all and euery the ſaid Truſts and Vſes, according to the true intent of the Charters, Deeds and Conueyances to them in that behalfe made, or hereafter to be made, or of any other Deed or Writing, containing or directing the Vſes and intents of ſuch grants or conueyances reſpectiuely, any law, cuſtome, or other matter or thing whatſoeuer to the contrary notwithſtanding.

Sauing to all and euery perſon and perſons, bodies politique and corporate, their Heires and Succeſſors, other then the ſaid Donors or Grantors, their heires and ſucceſſors, all ſuch right, title, eſtate, intereſt, entrie and demaund, of, in and to the ſaid Manors, lands, tenements, and hereditaments, as he or they

or

or any of them should or might haue had and enioyed, if this Act had neuer been had or made.

CAP. II.

An explanation of a Statute made in a Session of this present Parliament, intituled, an Act for confirmation of Letters Pattents, heereafter to bee passed upon his Maiesties Commission of Grace, for the remedie of defective Titles.

WHere some doubt, question, or ambiguity hath arisen and growne, or hereafter may arise or grow, concerning the validitie of such compositions as haue already been made, or hereafter shalbe made, or concerning the validitie or true meaning of such Grants, and Letters Pattents, as heereafter shalbe made or passed vpon his Maiesties said Commission of Grace, now establisht, or other Commissions to be establisht heereafter within this Realme of Ireland, for remedy of Defective Titles, for that in such Grants or Letters Pattents, mention is to be made of his Maiesties said Commission, or Commissions. And for that his Maiestie (for the greater securitie and better settling of the estates of such of his louing Subiects as haue already, or hereafter shall take hold of his said Grace and fauour) hath beene pleased to renew the said Commission, and hereafter may be pleased for that or any other cause, to renew the same againe, and that by such later Commission or Commissions, or otherwise the said former Commission or Commissions, and the said compositions thereupon grounded and made, may be conceiued to bee reuoked, countermanded and admitted, or that such Commission or Commissions may proue defectiue, vncertaine, or not to extend to giue ful power or authoritie vnto the Commissioners thereby authorized, or to be authorized to make such compositions or grants, or to passe such Letters Pattents, whereby the said Grants or Letters Patents in strictnesse of Law, may likewise proue defectiue or subiect to question and dispute, and for that heereafter some doubts and questions may be inuented, and raised against such Grants and Letters Pattents, either for not inrolling or recording of the said Commission or Commissions, or the Letter or Letters whereupon the said Commission or Commissions are or shalbe grounded, or by reason that the said Commission or Commissions, or Letter or Letters may mis-carry or be lost, or for mis-naming, mis-recitall, or not naming, or not recitall of such Castles, Honors, Manors, Lands, Tenements, or Hereditaments, as in the said Letters Pattents shalbe granted or assured, or mentioned to be granted

ted or assured, or any part thereof, or for lacke of finding of offices or inquisitions, or of good offices or inquisitions, whereby the Title of the Crowne ought to haue been found before the making of such Grants or Letters Pattents, or for lacke or omission of sufficient & speciall Non obstantes of particular Statutes, whereby the said Letters Pattents or Grants, may be impeached, or for mis-recitall or not recitall of Leases thereof, or of some part thereof, made or mentioned to be made, aswell of record, as not of record, or for lacke of the certaintie, mis-casting, rating or setting forth, of the true yearly values and rates, of such Castles, Honors, Manors, Lands, Tenements, or Hereditaments, or of some part thereof, or of the yearely rents, reserued of and for the premisses, or some part thereof, mentioned or contained in such Grants or Letters Pattents, or for apportioning or diuiding the said rents, or tenures of any of the premisses, or for that the premisses or some part thereof shalbe valued at agreater or lesse value in such grants or Letters Pattents, then the said Castles, Honors, Manors, Lands, Tenements, or Hereditaments, in truth are, or shalbe in yearely value, or for mis-naming of the Townes, Villages, Hamlets, Places, Parishes, Baronyes, Hundreds, Territories or Counties, where the same or any part thereof shall lye, or for lack of the true naming of the natures, kinds, sorts, qualities, or quantities, of such Castles, Honors, Manors, Lands, Tenements and Hereditaments, or of any part thereof, or for lacke of the true naming of the Corporations, or such Bodies politique or corporate, aswell spirituall as temporall, vnto whom such Grants or Letters Pattents shalbe passed or mentioned to be passed, or for any other defect whatsoeuer.

For remedy whereof, and to the end that such of his Highnesse faithfull and louing Subiects, as either already haue, or hereafter shall make their compositions, may partake of his Maiesties said grace, offered vnto them, and may receiue the full benefit thereof according to his Maiesties royall and gracious intention and bountie, his Maiestie is pleased that it be enacted and declared, & be it further enacted, declared & explained by the Kings most excellent Maiestie, the Lords Spirituall & Temporall, & the Commons in this present Parliament assembled, and by authoritie of the same, that all such Grants and Letters Pattents, & euery of them hereafter to bee passed vnto any person or persons, bodies politique or corporate, aswell spirituall as temporall, their heires, Successors, Executors, Administrators, or Assignes, respectiuely, of any Castles, Honors, Manors, Lands, Tenements, or Hereditaments, aswell spirituall as temporall, of what nature, sort or kind soeuer, by vertue, colour or pretence of any such Commission or Commissions of grace, for remedie of Defectiue Titles, so already issued, or hereafter to issue, and all and euery clause, article, sentence, word, matter and thing in such Grants or Letters Pattents

tents to be contained, mentioned or ſpecified, ſhalbe by authoritie of this preſent Parliament enacted, declared, explained and adiudged, to be good, ſufficient and effectuall in Law, to all intents, conſtructions and purpoſes againſt his Maieſtie, his Heires and Succeſſors, according to ſuch eſtate or eſtates, and in ſuch manner and forme as in the ſaid Grants or Letters Pattents ſhalbe mentioned and expreſſed, as if the ſaid Grants or Letters Pattents, and euery of them were confirmed, made good and eſtabliſht by authoritie of this preſent Parliament, notwithſtanding any of the deferts, cauſes or matters afore mentioned, or any other defect or cauſe whatſoeuer. And that all and ſingular ſuch Grants and Letters Pattents, and euery clauſe, article, ſentence & word therein to be contained or ſpecified, ſhalbe alwayes taken, conſtrued and expounded moſt liberally and beneficially, for the beſt aduantage, benefit and availe of ſuch Pattentees, their Heires, Succeſſors, Executors, Adminiſtrators, and Aſſignes, reſpectiuely, againſt his Highnes, his Heires, and Succeſſors for euer.

And be it further enacted and declared by the authoritie aforeſaid, That all ſuch Grants, and Letters Pattents, and euery of them, ſhall inure, and ſhalbe conſtrued & expounded to inure by way of grant, confirmation, releaſe, or other aſſurances from his Maieſtie, his Heires and Succeſſors, of all his title, right, intereſt, eſtate, poſſeſſion, remainder, and reverſion, of and in all and ſingular ſuch Caſtles, Honors, Manors, Lands, Tenements, & Hereditaments, as in ſuch Letters Pattents ſhalbe granted, confirmed releaſed, or aſſured, or mentioned to be granted, confirmed, releaſed, or aſſured vnto ſuch Pattentees, their Heires, Succeſſors, Executors, Adminiſtrators, and Aſſignes, reſpectiuely, according to ſuch eſtate or eſtates, and in ſuch manner and forme as thereby or therein ſhalbe mentioned to be paſſed, as ſhalbe moſt behooffull, and beneficiall for the ſaid Pattentees, their Heires, Succeſſors, Executors, Adminiſtrators, and Aſſignes, and euery of them reſpectiuely, and that the ſaid Pattentees, their Heires, Succeſſors, Executors, Adminiſtrators, and Aſſignes, & euery of them, ſhall & may, haue, hold, poſſeſſe, & enioy all and ſingular ſuch Caſtles, Honors, Manors, Lands, Tenements, and Hereditaments, in or by ſuch Letters Pattents granted, or aſſured, or mentioned to be granted, or aſſured, as aforeſaid, againſt his Maieſtie, his Heires, and Succeſſors for euer.

And be it further enacted and declared by the authoritie aforeſaid, that vpon ſhewing of a clauſe of exoneration, to be contayned or mentioned in ſuch grants or Letters Pattents, or the inrollment thereof to be paſſed vpon ſuch Commiſſion or Commiſſions, for remedie of Defective Titles, as aforeſaid, in his Maieſties Court of Exchequer, the ſaid Pattentees, their Heires, Succeſſors, Executors, Adminiſtrators, and Aſſignes, & every of them, ſhalbe freely acquitted, cleared, exonerated, & diſcharged for euer,

againſt his Maieſtie, his Heires, and Succeſſors, of and from all former rents, reſeruations, ſeruices, couenants, conditions, limitations, duties, & demaunds whatſoeuer, out of any ſuch Caſtles, honors, manors, lands, tenemēts, & hereditamēts, other then ſuch fines, rents, reſeruations, ſeruices, couenants, conditions, limitations, duties, and demaunds, as in, or by ſuch Letters Pattents ſo to be paſſed vpon the ſaid Commiſſion or Commiſſions of Defectiue Titles, ſhalbe reſerued, limited, mentioned, and expreſſed. And that all other former rents, reſeruatiōs, ſeruices, couenants, conditions, limitations, duties, and demaunds, reſerued vpon or out of any ſuch Caſtles, Honors, Manors, Lands, Tenements, or Hereditaments, or which are limited, or mentioned in, or by any other Letters Pattents, ſhalbe extinguiſhed and by order of the ſaid Court of Exchequer ſhalbe put out of charge, as to ſuch Pattentees, their Heires, Succeſſors, Executors, Adminiſtrators, and Aſſignes, reſpectiuely; without any plea, ſuite, or other charge, other then the ordinary Fees for procuring of ſuch order of diſcharge.

And be it further enacted and declared by authority aforeſaid, that aſwell this preſent Act of explanation, as alſo the ſaid former Act, intituled, An Act for confirmation of Letters Pattents, hereafter to be paſſed vpon his Maieſties Commiſſion of Grace, for the remedie of Defectiue Titles: And euery clauſe, article, ſentence, and word in them, and euery of them contained or expreſſed, ſhalbe expounded, and conſtrued moſt ſtrong, againſt his Maieſtie, his Heires, and Succeſſors, and moſt liberally, & beneficially, to all intents, & purpoſes, for the beſt aduantage, benefit, & auayle of ſuch Grantees, or Pattentees, their Heires, Succeſſors, Executors, Adminiſtrators, and Aſſignes, reſpectiuely, as ſhall paſſe any Letters Pattents vpon ſuch Commiſſion or Commiſſions, for remedy of Defectiue Titles.

CAP. III.

¶ An Act for ſecuring of the eſtates of the Vnder-takers, Servitors, Natives, and others, holding Lands, Tenements, or Hereditaments, in all and every the Plantations, made by our late Soveraigne Lady Queene ELIZABETH, or by our late moſt gracious Lord King IAMES, or the Kings moſt excellent Majeſtie that now is, in the ſeverall Counties, of Waterford, Corke, Limericke, Kerry, Tipperary, Wexford Wickloe, Kings Countie, Queenes

Queenes Countie, Weſtmeath, Leitrim, Longford, Tyrone, Ardmagh, Donegall, Fermanagh, Cavan, and London-Derry.

IN moſt humble manner beſeecheth your moſt excellent Maieſtie, your moſt louing and faithfull Subiects, the Lords Spirituall & Temporall, & the Commons in this preſent Parliament aſſembled: That whereas, for the better gouernment & ſecuritie of this your Kingdome of Ireland, ſundry Plantations haue at ſeuerall times beene made in the ſeuerall Counties of Waterford, Corke, Limericke, Kerry, Tipperary, Wexford, Wicklow, Kings Countie, Queenes Countie, Weſtmeath, Leytrim, Longford, Tyrone, Ardmagh, Donegall, Fermanagh, Cavan, and London-Derry, grounded aſwell vpon ancient as recent title of your Crowne, declared aſwell by Inquiſitions, as other Records and Euidences, vpon all which, diuers Pattents haue beene paſſed. And thereby very many Under-takers, and others of Britiſh birth, and very many of the Natiues of beſt qualitie, and condition, haue beene there planted and ſettled, and ſeuerall lands, tenements, and hereditaments, granted and diſpoſed to Corporations, Forts, Incumbents of Churches, Schooles, and other good vſes, ſome other parcells of the ſaid lands, being onely diſtributed and aſſigned, & not paſſed, by reaſon of Reſtraints for ſome yeares paſt, by occaſion of all which, very many Caſtles, Bawnes, ſtrong houſes, forts, and townes walled, haue ſince beene built, and erected, and innumerable incloſures, & improuements made, and alſo ſeuerall Trades-men of Britiſh birth, and manufactures, haue beene thither brought and conducted by the Under-takers, Seruitors, Natiues, and others, to their very great charge & expence, willingly performed to the terror and diſcouragement of all euill diſpoſed perſons, to the vnexpected enriching and ciuilizing of the ſaid ſeuerall Counties and Territories, and to the great ioy and contentment of your Royall Maieſtie, and all good men: Inſomuch, as by the great bleſſing of Almightie God, vpon your Maieſties moſt gracious and ſucceſſefull gouernment. Thoſe places and Countreyes which heretofore haue beene onely diſturbance to all your Maieſties louing Subiects of Ireland, and burthen, loſſe, diſhonour, and expence of the Crowne of England, haue now beene enabled to yeeld and affoord to your moſt excellent Maieſtie, as ample & beneficiall an ayde and ſupply to all leuies, and to the now granted Subſidies, as any other proportionable parts of this Kingdome haue done, and for the future, (by the bleſſing of God, and your Maieſties moſt gracious protection, and fauours,) doe little doubt, but to increaſe in the further accompliſhment thereof. And whereas it hath pleaſed your moſt excellent Maieſtie, by your principall Officers and Miniſters

heere, to make knowne, that for the better encouragement of your said Subiects, to proceede cheerefully in their intended course of planting, and ciuilizing the said seuerall planted Countreyes, and settling a good and happy Common-wealth amongst them, your Maiesty would be graciously pleased to grant vnto your said Subiects, that their estates intended vnto them in the said plantations, should by all convenient meanes be secured, and to the end also, that all questions and doubts, raised, or to bee raised, for, or concerning your Maiesties title, or any other title, to all or any the said Lands, Tenements, or Hereditaments, may be taken away.

May it therefore please your most excellent Maiestie, that it may be enacted, and bee it enacted by your most Royall Maiestie, the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by authoritie of the same, that your Maiestie, your Heires & Successors, shalbe rightly, and by good, lawfull, & indefesable title & estate in fee simple, deemed & adiudged to be in the actuall, and reall possession, and seizin, in right of your Imperiall Crowne of England and Ireland, of all the Castles, Manors, Lands, Tenements, and Hereditaments, lying & being in the said seueral Counties, of Tyrone, Ardmagh, Donegall, Fermanagh, Cavan, London-Derry, Leytrim, & Longford, and of, & in the seuerall Territories, Precincts, and Countreyes, commonly knowne or called by the name or names of Elyo Carroll, alias O Carrolls Countrey; Fercall, alias O Molloyes countrey; Kilcoursey, alias Fox his Countrey, Delvin-Mac Coghlan, alias Mac Coghlans countrey in the Kings Countie; Upper-Ossory, alias Mac Gilpatricks country; and Iregan, alias O Doynes countrey in the Queenes Countie, the Murrowes, Kilhobucke, Clanhenricke, Farrenhammon, Killekeele, alias Mac Vadocks countrey, Killcooleneline, alias Cooleueleine, alias Mac Morishes countrey, Kinshelaghes, Mac Damores countrey, and Brackenagh in the Countie of Wexford, and Ranelagh, alias Cooleranell in the Countie of Wickloe: And also of and in the seuerall townes or villages, Lands, Tenements, & Hereditaments, knowne, esteemed, or vsually called Plantation Lands, in, or neere the Territory or Countrey of Clincolman, alias Omelaghlins countrey, in the Countie of Westmeath: And in or neere the Territory or countrey of Ranelagh, alias Coole Ranell in the Countie of Wickloe, and in or neere the Territory or countrey of Forrenoncle, in or neere the Countie of Wexford. And also of, and in all the Castles, Manors, Lands, Tenements, & Hereditaments, in the seuerall Counties of Waterford, Corke, Limericke, Kerry, and Tipperary aforesaid, vsually called Plantation lands, or heretofore passed, or mentioned to be passed, by Letters Pattents, to any Brittish Under-taker or Under-takers, respectiuely, as plantation lands, at such time or times, whensoeuer any of the forementi-

mentioned Caſtles, Manors, Lands, Tenements, or Hereditaments, ſhalbe within the ſpace of fiue yeares, next enſuing the end of this preſent Seſſion of Parliament, new paſſed, granted, or confirmed to any perſon or perſons, Bodies politique, or corporate, reſpectiuely, by Letters Pattents vnder the great Seale of this Kingdome, by warrant of the Lord Deputie for the time being, & Commiſſioners nominated or to be nominated, in or by his Maieſties Commiſſion of Grace, for the remedie of Defectiue Titles, now in being, or hereafter to be, being former Pattentees or Proprietors, or reputed Pattentees, or reputed Proprietors, or ſuch as by former diſtribution, aſſignation, or appointment, haue taken the profits thereof, their heires or aſſignes, reſpectiuely, and that from and after the new paſſing or ſealing of any ſuch Letters Pattents, either to any perſon or perſons, Bodies politique or corporate, formerly reputed grantees, or reputed proprietors, or ſuch as by diſtribution, aſſignation, or appointment, haue taken the profit thereof, their Heires, Succeſſors, or Aſſignes, reſpectiuely, of any of the ſaid Caſtles, Manors, Lands, Tenements, or Hereditaments, all and euery ſuch new grantee or grantees, or reputed grantee or grantees, their heires, ſucceſſors or aſſignes, reſpectiuely, ſhall and may for euer hencefoorth, haue, hold, poſſeſſe and enioy all and ſingular the Caſtles, Manors, Lands, Tenements, and Hereditaments, in the ſaid ſeuerall Counties, Territories, Countreyes, and Townes, which ſhalbe granted, or mentioned to be granted, or confirmed, as aforeſaid, for ſuch and the ſame eſtates, as ſhalbe limited, mentioned, or declared, reſpectiuely, in any the ſaid Letters Pattents or grants to be made, as aforeſaid, aſwell againſt your moſt excellent Maieſtie, your heires and ſucceſſors, as againſt all and euery other perſon and perſons whatſoeuer, hauing, clayming, or pretending to haue any right, title, intereſt, rent, ſeruice, or demaund, of, in, or to all, or any the ſaid Caſtles, Manors, Lands, Tenements, or Hereditaments, to them, or any of them, as aforeſaid, to be paſſed, granted, or confirmed, or mentioned to be paſſed, granted, or confirmed, as aforeſaid, freed and diſcharged of and from all former rents, arrerages, profits, or meane rates againſt your Maieſtie, your Heires, & Succeſſors.

Prouided neuertheleſſe, & be it enacted by authority aforeſaid, that this Act, or any thing therein contained, ſhall not in any wiſe barre or preiudice the right or title of any Arch-Biſhop, Biſhop, Deane, Chapter, Arch-deacon, Dignatary, Prebendary, Parſon, Vicar, or other Spirituall or Eccleſiaſticall perſon, to any Manors, Lands, Tenements, or Hereditaments, being the inheritance and poſſeſſions of their reſpectiue Churches or Benefices.

CAP. IV.

An Act for the Naturalization of all the Scottish Nation, which were *Ante-nati*, borne before his late Majestie, King IAMES of ever blessed memory his happy accesse unto the Crowne of England, and Ireland, &c.

FOrasmuch as your Highnes louing Subiects of these your Realmes of England, Scotland, & Ireland, are now growing into one Nation, without all marke of difference, or distinction: And therefore are desirous for to enioy the same freedomes & benefits of the same your Highnes Lawes and Statutes of this Realme: And for that all such of the Scottish Nation as are Ante-nati, and borne before his said late Maiestie King IAMES his happy attayning the Crowne of England and Ireland, as aforesaid, are therefore in iudgment and reputation of the Common Law of this Realme, disinabled & vncapable either to acquire and make purchase vnto the vse of themselues, their Heires, Executors, Administrators, and Assignes, of any Lands, Tenements, & Hereditaments, or other reall estate whatsoeuer, in Leases for yeares, or otherwise, within this your Highnes Realme of Ireland, or to retaine & keepe what they haue already acquired and purchased, by which meanes, the Issues and Posterities, Wiues, Allyes, and Children, of such person and persons, your Highnesse loyall Subiects, are thus many times left vnprouided for, and the Patrimonies and Estates of their Auncestors, by Law giuen from them, & by this meanes, many of your louing & loyall Subiects of Scotland, planted within this your Highnesse said Realme of Ireland, are left to great want & penurie, It being also a great dis-couragement and dis-heartning vnto many of your said Subiects of Scotland, that otherwise would haue planted themselues here, for the further ciuilizing, strengthening, and securing this your Highnes said Realme, against Rebells at home, and all forraine invasion.

May it therefore please your most excellent Maiestie, That it may be enacted by your most excellent Maiestie, and the Lords Spirituall and Temporall, & Commons in this present Parliament assembled, And be it enacted by the Kings most excellent Maiestie, the Lords Spirituall and Temporall, and by the Commons in this present Parliament assembled, and by the authoritie of the same, That all and euery Scottish Under-taker, and Under-takers whatsoeuer, in the Prouince of Ulster, & other place and places of this Kingdome, and euery Scottish-man, or Scottish-woman; Scottish-men or Scottish-women whatsoeuer,

euer, which were and haue been borne, at any time or times what-ſoeuer, before his ſaid late Maieſtie King IAMES his happy acceſ-ſion to the Crowne of England, and Ireland: and all and what-ſoeuer other perſon & perſons of the Scottiſh bloud and Nation hereafter, whenſoeuer, and whereſoeuer, to bee borne, within any your Highneſſe ſaid Realmes & Dominions, of whatſoeuer ſtate, degree, qualitie, or condition they be, or ſhalbe of, and the Heires, Iſſues, & Poſterities of them, & of all & euery of them, aſwel begot-ten as to be begotten, be by authoritie of this preſent Parliament, deemed, adiudged and reputed your Maieſties, Liege, Free, & Na-turall Subiects of this your Highneſſe Realme of Ireland, and be adiudged, reputed and taken in euery reſpect, condition and de-gree, to all intents, conſtructions, and purpoſes, your Maieſties Naturall & Liege Subiects of this Realme of Ireland, as if they and euery of them had beene, or were borne within this Realme of Ireland, of Engliſh, or Iriſh Parents, your Maieſties free-borne Naturall Subiects of this Realme of Ireland. And that they & euery of them, in all things, and by all lawfull wayes and meanes whatſoeuer, ſhall and may, vſe, haue and enioy, the full grace & be-nefit of all and euery the Lawes, Preheminences, Juriſdictions, and Cuſtomes, of this Realme whatſoeuer, to all intents, conſtru-ctions, and purpoſes in the Law, or otherwiſe whatſoeuer, in the ſame manner and forme, as any Engliſh-man, or Engliſh men whatſoeuer, within this Realme of Ireland, hath, may, or can, haue, vſe, and enioy, and be adiudged, reputed, and taken in euery reſpect, condition, and degree, and to all intents, conſtructions, & purpoſes whatſoeuer, your Maieſties naturall and liege Sub-iects of this Realme of Ireland. And that they & euery of them, ſhall anſwere, and ſhalbe anſwered vnto, and ſhall and may im-pleade, and be impleaded, in whatſoeuer Court or Courts of Ju-ſtice, and other-where, within this your Highneſſe ſaid Realme of Ireland, as the naturall-borne, free Liege Subiects of this Re-alme of Ireland: And that they and euery of them, by force of this preſent Act of Parliament, ſhall haue full licence, freedome, liber-tie, power, and authoritie, aſwell to haue, occupie, poſſeſſe, & enioy, retaine, and keepe, as to aske, demand, challenge, and haue, and al-ſo to acquire, buy, and purchaſe, or receiue by gift, or otherwayes by any other lawfull wayes or meanes, to the vſe of them, and of all and euery, or any of them, their Heires, Executors, Admini-ſtrators, and Aſſignes, and the Heires, Executors, Adminiſtra-tors, and Aſſignes of all and euery, or any of them for euer, all, any and whatſoeuer, Manors, Meſſuages, Lands, Tenements, Rents, Seruices, Offices, Hereditaments, and other Poſſeſſions, Goods and Chattels, reall, or perſonall whatſoeuer, aſwell by any of their Auncеſtors, and Predeceſſors, at any time or times heretofore, ſithence the beginning of the happy Raigne of our late dread Soueraigne Lord King IAMES of euer bleſſed and happie

memory,

memoꝛy, acquiꝛed, & puꝛchaſed, oꝛ to them, oꝛ any of them, by Letters Pattents, oꝛ otheꝛwiſe, made, gꝛanted, enfeoffed, conveyed, oꝛ aſſuꝛed, oꝛ which at any time oꝛ times heꝛeafteꝛ, ſhall and may be made, gꝛanted, enfeoffed, giuen, conveyed, oꝛ aſſuꝛed, oꝛ ſhall come, as Heiꝛe oꝛ Heiꝛes to them, oꝛ any of theiꝛ Auncеſtoꝛs, lineally, oꝛ collateꝛally, by ꝛeaſon of any diſcent, ꝛemainder, ꝛeveꝛſion, ꝛight, oꝛ any otheꝛ title, gift, oꝛ conveyance whatſoeuer, oꝛ which afteꝛ the fiꝛſt day of this pꝛeſent Paꝛliament, ſhall diſcend, ꝛemaine, ꝛevert, accꝛew, come, oꝛ gꝛow vnto youꝛ ſaid Subiects, oꝛ any of them, & in the ſame to inheꝛite, ſucceede, & come, by ꝛight of Inheꝛitance, & otheꝛwiſe howſoeuer, without the lett & impediment of youꝛ moſt excellent Maieſtie, youꝛ Heiꝛes and Succeſſoꝛs, oꝛ of youꝛ Highneſſe Officeꝛs & Miniſteꝛs whatſoeuer: anyLaw, Cuſtome, Statute, Act, Pꝛouiſion, Oꝛdination, Reſtraint, oꝛ Inhibition to the contꝛaꝛy, befoꝛe this time made, enacted, oꝛdayned, oꝛ pꝛouided, oꝛ any otheꝛ matteꝛ, cauſe, oꝛ thing whatſoeuer, notwithſtanding. And alſo to pꝛoſecute, puꝛſue, maintaine, avow, iuſtifie and defend all & all manneꝛ of Actions, Suites, and Cauſes, & all otheꝛ lawfull things whatſoeuer, to doe as lawfully, fꝛankely, fully, liberally, ſuꝛely, & fꝛeely, as if youꝛ ſaid Subiects had been, & weꝛe boꝛne within this Realme of Ireland: And as any otheꝛ peꝛſon oꝛ peꝛſons, naturally boꝛne within this Realme of Ireland, may lawfully, oꝛ in any wiſe doe, any Act, Law, Statute, Cuſtome, Oꝛdinance, oꝛ otheꝛ thing whatſoeuer, had, made, done, pꝛomulged, oꝛ pꝛouided to the contꝛaꝛy heꝛeof, in any wiſe notwithſtanding.

Pꝛouided alwayes, that this Act, noꝛ any thing theꝛein contayned, ſhall not extend to avoyde any Eſtate oꝛ intereſt, of, & into any Manoꝛs, Lands, Tenements, oꝛ Heꝛeditaments whatſoeuer, which haue alꝛeady beene found and accꝛued vnto his moſt excellent Maieſtie that now is, oꝛ vnto his late Maieſtie King IAMES of cueꝛ famous and bleſſed memoꝛy, foꝛ want of the Denization, oꝛ Naturalization of any ſuch peꝛſon oꝛ peꝛſons, & which ſhall & doth appeaꝛe by office alꝛeady found and ꝛeturned, and ꝛemaining of Recoꝛd, oꝛ by any otheꝛ matteꝛ of Recoꝛd.

CAP. V.

¶ An Act for Confirmation of Leaſes, made by the Lord Primate, and other Biſhops in Vlſter.

WHereas ſince his late Maieſtie King IAMES of cueꝛ bleſſed memoꝛy, his endowment of the Aꝛch-biſhoppꝛicke of Ardmagh, and the Biſhoppꝛickes of Deꝛry, Clogheꝛ, Raphoe, and Killmoꝛe,

Killmore, with Lands, Tithes, and other Hereditaments, some questions may arise, concerning the validity of Leases, made by the said Arch-bishop and Bishops, and of the validitie of the Arch-bishop, and Bishops-Letters Pattents from his said Maiestie. For the clearing of all doubts, & securing the said Arch-bishop and Bishops grants so passed vnto them, & of the Farmers of the said Lands, and that the said Bishops and Farmers may be encouraged to build and plant the same, according to his said Maiesties pious intention: Be it enacted by the Kings Maiestie, the Lords Spirituall and Temporall, and Commons in this present Parliament assembled, That whatsoeuer gifts or grants, of any Lands, Tenements, Tithes, Pensions, Portions, or Hereditaments, either found by the great office, taken in the yeare of our Lord God 1609. to haue belonged to any Herenaghes & Corbes, or were by any other title, devolved and come vnto the Imperiall Crowne of this Realme, and are by any Letters Pattents, giuen or granted to the said Arch-bishop, or Bishops, and to their seuerall Successors, respectiuely, shalbe for euer from henceforth, esteemed good and effectuall in Law, aswell against the said Herenaghes & Corbes, and their pretended heires and successors, as against the Kings Maiestie, his Heires and Successors: And that whatsoeuer Lease or Leases, or confirmation of Leases, shall within fiue yeares, next comming after the first day of this present Parliament, be seuerally and respectiuely made, by the most reuerend Father in God, Iames Lord Arch-bishop of Ardmagh, Primate of all Ireland, or by the right reuerend Fathers in God, Iames Lord Bishop of Clogher, Iohn Lord Bishop of Raphoe, William Lord Bishop of Killmore, Iohn Lord Bishop of Derry, or any of them, or by any of their respective Successors, with the consent and approbation of the Lord Deputie, or other chiefe Gouernor or Gouernors of this Kingdome, for the time being, and six of the Councell of State here, for the time being, of any Lands, Tithes, or Hereditaments, belonging to their said seuerall and respectiue Arch-bishopricke & Bishopricks (so as the present or greater rent be reserued) for any Tearme, not exceeding threescore yeares, from the first day of this present Parliament, shalbe good and effectuall in the Law, to all purposes, against the Kings Maiestie, his Heires and Successors, and against such Herenaghes and Corbes, and their pretended Heires and Successors, and against the said Arch-bishop and Bishops, and their Successors, seuerally & respectiuely: Notwithstanding the want of confirmation by a Legall Dean & Chapter, or any other defect; sauing to all others then the Kings Maiestie, his Heires & Successors, & the said Herenaghs & Corbs, & their Heires and Successors, & the said Arch-bishop, & Bishops, and their Successors respectiuely, all such right and title as they haue, or may haue, if this Act had not beene made.

CAP. VI.

¶ An Act, that Leſſees ſhall enjoy their Farmes, againſt Tennants in Tayle, or in right of their Wives, &c.

WHere a great number of the Kings Subiects haue heretofore taken Leaſes, of Lands, Tenements, and other Hereditaments for terme of yeares, and diuers of them for terme of liues, and haue giuen and payde great Fines, & great ſummes for the ſame, and alſo haue beene at great coſts and charges, aſwell in and about great reparations and buildings vpon their ſaid Farmes, as otherwiſe, concerning their ſaid Farmes: yet notwithſtanding the ſaid Farmers after the deaths of their Leaſſors, haue beene, and be daylie with great crueltie expulſed, & put out of their ſaid Farmes and takings, by the heires of their ſaid Leaſſors, or by ſuch perſons as haue intereſt therein, after the deathes of their ſaid Leaſſors, by reaſon of priuy gifts of entaile, or feoffments, or other conueyances of Record, or otherwayes to vſes, or for that the Leaſſors had nothing in the Lands, Tenements, or other Hereditaments ſo letten, at the time of the Leaſes thereof made, but onely in the right of their Wiues, or ſuch other like cauſe; to the great impoueriſhment, and in a manner, vtter vndoing of the ſaid Farmers.

For reformation whereof, be it ordayned, eſtabliſhed, and enacted by the King our Soueraigne Lord, the Lords Spirituall, & Temporall, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all Leaſes hereafter to be made of any Manors, Lands, Tenements, or other Hereditaments, by writing indented vnder ſeale, for tearme of yeares, or for tearme of life, by any perſon or perſons, being of full age of one and twentie yeares, hauing any Eſtate of Inheritance, either in fee ſimple, or in fee taile, in vſe or poſſeſſion in their owne right, or in the right of their Wiues, or ioyntlie with their Wiues, of any eſtate of Inheritance, made before the Coverture, or after, ſhalbe good and effectuall in the Law, againſt the Leaſſors, their Wiues and heires, and euery of them, according to ſuch eſtate as is compriſed and ſpecified in euery ſuch Indenture of Leaſe, in like manner and forme, as the ſame ſhould haue been, if the Leaſſors thereof, and euery of them, at the time of the making of ſuch Leaſes, had beene lawfully ſeized of the ſame Lands, Tenements, and Hereditaments, compriſed in ſuch Indentures, of a good, perfect, and pure Eſtate of fee ſimple, thereof to their owne onely vſes.

Prouided alway, that this Act, nor any thing therein contained ſhall not extend to any Leaſes, to be made of any Lands, Tenements, or Hereditaments, being in the hands of any Farmor or Farmors,

Farmors, by virtue of any olde Leaſe, vnleſſe the ſame olde Leaſe be expired, ſurrendred, or ended, within one yeare next, after the making of the ſaid new Leaſe, nor ſhall extend to any grant to be made, of any reuerſion of any Manors, Lands, Tenements, or hereditaments, nor to any leaſe of any manors, lands, tenements, or hereditaments, which haue not moſt commonly beene letten to farme, or occupied by the Farmors thereof by the ſpace of twentie yeares, next before ſuch Leaſe thereof made, nor to any Leaſe to be made without impeachment of waſte: nor to any Leaſe to bee made, aboue the number of one and forty yeares, or three liues at the moſt, from the day of the making thereof: And that vpon euery ſuch Leaſe, there be reſerued yearely, during the ſame Leaſe, due and payable to the Leaſſors, and their Heires, to whom the ſame Lands ſhould haue come after the deaths of the Leaſſors, if no ſuch Leaſe had beene thereof made, and to whom the reuerſion thereof ſhall appertaine, according to their eſtates and intereſts, ſo much yearely farme or rent, or more, as hath beene moſt accuſtomably yeelden or payde for the Manors, Lands, Tenements, or Hereditaments, ſo to be letten within twentie yeares, next before ſuch Leaſe thereof made. And that euery ſuch perſon and perſons, to whom the reuerſion of ſuch Manors, Lands, Tenements, or Hereditaments ſo to be letten, ſhall appertaine, as is aforeſaid, after the death of ſuch Leaſſors, or their Heires, ſhall and may haue ſuch like remedie, and aduantage, to all intents and purpoſes, againſt the Leſſees thereof, their Executors and Aſſignes, as the ſame Leſſor ſhould, or might haue had againſt the ſame Leſſees: So that if the Leſſor were ſeized of any eſpeciall eſtate, tayle, in vſe or poſſeſſion of the ſame Hereditaments, at the time of ſuch Leaſe, that the Iſſue or Heire of that ſpeciall eſtate, ſhall haue the reuerſion, rents, and ſeruices reſerued vpon ſuch Leaſe, after the diath of the ſaid Leſſor, as the Leaſſor himſelfe, might, or ought to haue had, if he had liued.

Prouided alway, that the wife bee made partie to euery ſuch Leaſe, which hereafter ſhalbe made by her Huſband, of any Manors, Lands, Tenements, or Hereditaments, being the Inheritance of the wife: and that euery ſuch Leaſe bee made by Indenture, in the name of the Huſband and his wife, and ſhee to ſeale the ſame: And that the Farme and Rent be reſerued to the Huſband, and to the wife, and to the Heires of the wife, according to the eſtate of Inheritance in the ſame, and that the Huſband ſhall not in any wiſe alien, diſcharge, grant, or giue away the ſame Rent reſerued, nor any part thereof, longer then during the Coverture, without it be by fine leuied, by the ſaid Huſband and wife: But that the ſame rent ſhall remaine, deſcend, revert, or come, after the death of ſuch Huſband, vnto ſuch perſon or perſons, & their heires, in ſuch manner and ſort, as the Lands ſo leaſed, ſhould haue done, if no ſuch Leaſe had thereof beene made.

And moreouer for certaine conſiderations, Bee it enacted by authority aforeſaid, that no Fine, Feoffment, or other Act, or Acts, hereafter to be made, ſuffered, or done, by the Huſband only, of any manors, lands, tenements, or Hereditaments, being the inheritance, or free-hold of his Wife: during the Coverture between them, ſhall in any wiſe be, or make any diſcontinuance thereof, or be preiudiciall or hurtfull to the ſaid Wife, or to her heires, or to ſuch as ſhall haue right, title, or intereſt to the ſame, by the death of ſuch Wife or Wiues: But that the ſame Wife, or her Heires, and ſuch other, to whom ſuch right ſhall appertaine after her deceaſe, ſhall, and may then lawfully enter into all ſuch Manors, Lands, Tenements, and Hereditaments, according to their rights and titles therein, any ſuch Fine, Feoffment, or other Act to the contrary notwithſtanding: Fines levied by the Huſband and Wife, (whereunto the ſaid Wife is partie and priuie) onely excepted.

Prouided furthermore, that this Clauſe or Act, extend not to giue any libertie to any ſuch Wife, or to her heires, for to avoyde any Leaſe hereafter to be made, of any Inheritance of the Wife by her Huſband and her, for tearme of one and forty yeares, or vnder: or of any her inheritance for tearme of three liues at the vttermoſt, whereupon as much yearely rent, or more, is, or ſhalbe reſerued, and yearely payable, during the ſame Leaſe, as was at any time therefore yeelden, and payed, within twentie yeares next, before the making of any ſuch Leaſe, according to the tenor of this preſent Act, any thing therein contained to the contrary notwithſtanding.

CAP. VII.

An Act for Contentation of Debts vpon Execution.

WHereas before this time, diuers and ſundry perſons haue ſued Executions, aſwell vpon Judgments for them giuen of their Debts or Damages, as vpon ſuch Statutes Merchants, Statutes of the Staple, or Recognizances, as haue beene to them before made, recognized and knowledged, & thereupon ſuch Lands, Tenements, & other Hereditaments, as were lyable to the ſame Execution, haue beene by reaſonable extent to them deliuered in execution, for the ſatisfaction of their ſaid debts and damages, according to the Lawes of this Realme: Neuertheleſſe it hath beene oftentimes ſeene, that ſuch Lands, Tenements, and Hereditaments, ſo deliuered and had in execution, bin recouered, or lawfully deueſted, taken away, or euicted from the poſſeſſion of the ſaid Recouerers, Obligees, or Recognizees, their Executors,

Executors, or Assignes, before such time as they haue beene fully satisfied and payde of their debts & damages, without any manner fraude, deceipt, covin, collusion, or other default in the said Recoverers, Obligees, or Recognizees, their Executors & Assignes, by reason whereof, the said Recoverers, Obligees, and Recognizees, haue beene thereby set clearely without remedie, by any manner suite of the Law, to recover, or come by any such part or parcell of their said debt and damages as was behinde, and not by them levied, or received, before such time as the said Lands, Tenements, and other Hereditments, so by them had in execution, were recovered, lawfully devested, taken, or evicted out of, & from their possessions, as is aforesaid, to their great hurt and losse, and much seeming, to bee against equall Justice, and good Conscience.

For reformation whereof, be it enacted by the authoritie of this present Parliament, that if hereafter any such lands, tenements, or Hereditaments, as be, or shalbe had & delivered to any person, or persons in execution, as is aforesaid, upon any iust and lawfull title, matter, condition, or cause, wherewithall the said Lands, Tenements, and Hereditaments, were lyable, tyed, and bound at such time as they were delivered, and taken into execution, shall happen to be recovered, lawfully devested, taken, or evicted out of, and from the possession of any such person, and persons, as now haue and hold, or hereafter shall haue and hold the same in execution, as is aforesaid, without any fraude, deceipt, covin, collusion, or other default of the said Tenant or Tenants by execution, before such time as the said Tenants by execution, their Executors or Assignes, shall haue fully and wholly levied or received the said whole debt and damages, for the which the said Lands, Tenements, and other Hereditaments, were deliuered and taken in execution, as is aforesaid, then euery such Recoverer, Obligee, & Recognizee, shall and may, haue and pursue, a Writ of scire facias, out of the same Court, from whence the said former Writ of execution did proceed, against such perso or persos, as the said writ of execution was first pursued, their Heires, Executors, or Assignes, of such Lands, Tenements, or Hereditaments, as were, or be, then lyable or charged to the said Execution, returnable into the same Court at a certaine day, being full forty dayes, after the date of the said Writ. At which day, if the Defendant, being lawfully warned, make default, or appeare, and doe not shew and pleade a sufficient matter or cause, other then the acceptance of the said Lands, Tenements, and Hereditaments, by the said former Writ of execution, to barre, avoyde, or discharge the said suite, for the residue of the said debt and damages, remayning unlevyed or unreceived by the former execution: then the Lord Chancellour, or other such Justice or Justices, before whom such Writ of scire facias shalbe returnable, shall make est-soones a new Writ or Writs, out of the

ſaid former Record of Judgment, Statute Merchant, Statute Staple, or Recognizance of like nature & effect, as the ſaid former Writ of execution was, for the levying of the reſidue of all ſuch debt and domage, as then ſhall appeare to be unlevyed, unſatiſfied, or unpayde of the whole ſumme or ſummes in the ſaid former Writ of execution contayned: any law, cuſtome, or other thing to the contrary hereof, heretofore uſed, in any wiſe notwithſtanding.

CAP. VIII.

An Act for to avoyde unneceſſary delayes of Execution.

FOraſmuch as his Highneſſe Subiects, are now more commonly with-holden from their iuſt debts, and often in danger to looſe the ſame, by meanes of Writs of Error, which are more commonly ſued, then heretofore they haue beene: Be it therefore enacted by the authority of this preſent Parliament, That from, or after the end of this preſent Seſſion of Parliament, no Execution ſhalbe ſtayed or delayed, upon or by any Writ of Error or Super-ſedeas thereupon to be ſued, for the Reuerſing of any Judgment giuen, or to be giuen, in any Action or Bill of debt, upon any ſingle bond for debt, or upon any Obligation with Condition, for the payment of Money onely, or upon any Action or Bill of debt for Rent, or upon any Contract, ſued in any of his Highnes foure Courts of Record, viz. Chauncery, Kings-Bench, Common-Pleas, and Exchequer, unleſſe ſuch perſon or perſons, in whoſe name or names ſuch Writ of Error ſhalbe brought, with two ſufficient ſureties, ſuch as the Court wherein ſuch Judgement is, or ſhalbe giuen, ſhall allow of, ſhall firſt before ſuch ſtay made, or Super-ſedeas, to be awarded, be bound unto the party for whom any ſuch Judgment is, or ſhalbe giuen by Recognizance, to bee acknowledged in the ſame Court, in double the ſumme adiudged, to be recouered by the ſaid former Judgment, to proſecute the ſaid Writ of Error with effect, and alſo to ſatiſfie and pay, (if the ſaid Judgment be affirmed) all and ſingular the debts, damages, and coſts, adiudged or to bee adiudged upon the former Judgment, And all coſts and damages to be alſo awarded for the ſame delaying of Execution.

CAP. IX.

An Act for relieſe of Creditors, againſt ſuch perſons as dye in Execution.

FOraſmuch as heretofore it hath beene much doubted and queſtioned, if any perſon being in Priſon, and charged in Execution, by reaſon of any Iudgment giuen againſt him, ſhould afterwards happen to dye in Execution, whether the party, at whoſe ſuite, or to whom ſuch perſon ſtood charged in Execution, at the time of his death, be for euer after concluded and barred to haue Execution of the Lands and goods of ſuch perſon ſo dying.

And foraſmuch as daylie experience doth manifeſt, That diuers perſons of ſufficiencie, in reall and perſonall eſtate, minding to deceiue others of their iuſt debt, for which they ſtood charged in Execution, haue obſtinately and wilfully choſen rather to liue and dye in Priſon, then to make any ſatisfaction according to their abilities: To prevent which deceipt, and for the avoyding of ſuch doubts and queſtions hereafter, be it declared, explained, and enacted by the Kings moſt excellent Maieſtie, and the Lords Spirituall and Temporall, & the Commons in this preſent Parliament aſſembled, and by the authoritie of the ſame, That from and after the end of this preſent Seſſion of Parliament, the party or parties at whoſe ſuite, or to whom any perſon ſhall ſtand charged in Execution for any debt or damage recouered, his or their Executors or Adminiſtrators, may after the death of the ſaid perſon ſo charged and dying in Execution, lawfully ſue forth and haue new Execution, againſt the Lands and Tenements, Goods & Chattels, or any of them, of the perſon ſo deceaſed, in ſuch manner and forme, to all intents and purpoſes, as he, or they, or any of them might haue had by the Lawes and Statutes of this Realme, if ſuch perſon ſo deceaſed, had neuer beene taken or charged in Execution.

Prouided alwayes, and be it declared and enacted, That this Act ſhall not extend to giue libertie to any perſon or perſons, their Executors, or Adminiſtrators, at whoſe ſuite or ſuites any ſuch party ſhalbe in Execution, and dye in Execution, to haue or take any new Execution, againſt any the Lands, Tenements, or Hereditaments, of ſuch party ſo dying in Execution, which ſhall at any time after the ſaid Iudgment or Iudgments, be by him ſolde bona fide, for the payment of any his Creditors, and the money which ſhalbe payde for the Land ſo ſolde, either payde, or ſecured to be payd, to any of the Creditors, with their priuitie and conſent in diſcharge of his or their due debts, or of ſome part thereof: any thing before in this Act to the contrary hereof, in any wiſe notwithſtanding.

CAP. X.

CAP. X.

An Act against the fraudulent Administration of Intestates Goods.

FOrasmuch as it is often put in vre, to the defrauding of Creditors, That such persons as are to haue the Administration of the Goods of others, dying intestate, committed vnto them, if they require it, will not accept the same, but suffer or procure the Administration to be granted to some stranger, of meane estate, and not of kinne to the Intestate, from whom, themselues or others by their meanes, doe take deeds of gifts, and authorities by Letter of Atturney, whereby they obtaine the state of the Intestate into their hands, and yet stand not subiect to pay the debts owing by the said Intestate, and so the Creditors for lacke of knowledge of the place of Habitation of the Administrator, cannot arrest him, or sue him and if they fortune to finde him out, yet for lacke of ability in him, to satisfie of his owne goods, the value of that he hath conueyed away of the Intestates Goods, or released of his debts by way of wasting, the Creditors cannot haue or recouer their iust and due debts.

Be it enacted by authoritie of this present Parliament, That euery person and persons, that hereafter shall obtaine, receiue, or haue, any Goods or Debts, of any person Intestate, or a Release, or other Discharge, of any debt or dutie that belonged to the Intestate, vpon any fraude, as is aforesaid, or without such valuable consideration, as shall amount to the value of the same Goods & Debts or neare thereabouts, except it be in or towards satisfaction of some iust and principall Debt, of the value of the same goods or debts to him owing by the Intestate, at the time of his decease, shalbe charged and chargeable, as Executor of his owne wrong: And so farre onely as all such goods and debts comming to his hands, or whereof he is released or discharged by such Administrator, will satisfie, deducting neuertheless, to and for himselfe, allowance of all iust, due, & principall debt, vpon good consideratiō, without fraude, owing to him by the Intestate at the time of his decease, and of all other payments made by him, which lawfull Executors or Administrators, may and ought, to haue and pay, by the Lawes and Statutes of this Realme.

CAP. XI.

An Act for the avoyding of Recoveryes ſuffered by colluſion by Tenants for terme of life, and ſuch others.

WHere diuers perſons being ſeized, or that had beene ſeized of Lands, Tenements, & Hereditaments, as Tenants by the courteſie, Tenants in Tayle after poſſibilitie of Iſſue extinct, or otherwiſe onely for terme of life or liues, or of eſtates determinable vpon life or liues, haue heretofore permitted and ſuffered other perſons, by agreement or covin betweene them had, to recouer the ſame Lands, & Tenements, & other Hereditaments, againſt the ſame particular Tenants in the Kings Maieſties Courts; or haue permitted & ſuffered themſelues to be vouched by other perſons by agreement or covin between them had, in Retoneries ſuffered of theſame Lands, Tenements, and other Hereditaments, in the Kings Maieſties Courts, to the great preiudice of thoſe to whom the Reuerſion or Remainder thereof hath appertained, or ought to appertaine.

For remedie whereof, be it enacted by the Kings moſt excellent Maieſtie, with the aſſent of the Lords Spirituall & Temporall, & the Commons in this preſent Parliament, and by the authority of the ſame, that all ſuch Recoueries hereafter to be had or proſecuted by agreement of the parties, or by covin, as is aforeſaid, againſt any ſuch particular Tenant or Tenants, of any lands, tenements or Hereditaments, whereof the ſame particular Tenant or Tenants, is, are, or hereafter ſhalbe ſeized of any ſuch particular eſtate, as is aforeſaid, or againſt any other, with voucher ouer of any ſuch particular Tenant or Tenants, or of any, hauing or that had right, or Title to any ſuch particular Eſtate or Tenancie, as is aforeſaid, ſhall from henceforth, as againſt ſuch perſon or perſons, to whom any reuerſiõ or remainder therof, by force of any conveyance or demiſe, before that time had or made, ſhall, ought, or may lawfully appertain, and againſt their heires, & Succeſſors, be clearely & vtterly voyde, & of none effect: any law or vſage heretofore had to the contrary thereof in any wiſe notwithſtanding.

Prouided alwayes, That this Act, nor any thing therein contained, ſhall extend, or be preiudiciall to any perſon or perſons, that ſhall hereafter by good title, recouer any Lands, Tenements, or Hereditaments, without fraude or covin, by reaſon of any former right or title, but that all & euery ſuch recouery & recoueryes, ſo to be had or proſecuted vpon former rights or titles ſhall ſtand & be in the like force, ſtrength, & effect, as they were before the making of this Act, any thing herein contained to the contrary thereof in

any wise notwithstanding.

Provided also, That all and every such Recouerie & Recoueries be had or prosecuted, of any Lands, Tenements, or Hereditaments, as aforesaid, by the assent and agreement of any person or persons, to whom any reversion or remainder thereof, then shall, or ought to appertaine, (so that the same assent and agreement doe appeare of Record in any Court of our Soueraigne Lord the Kings Maiestie, his Heires or Successors) shall stand and be in like force, strength, & of like effect, against such person and persons, that shall so assent and agree, their heires and successors, as they were before the making of this present Act: any thing therein contained to the contrary thereof in any wise notwithstanding.

CAP. XII.

An Act for the avoyding of Secret Summons in Reall Actions.

FOr the avoyding of Secret Summons in Reall Actions, without convenient notice of the Tenants of the Free-hold: Be it ordayned and enacted by the Kings most excellent Maiestie, the Lords Spirituall and Temporall, and Commons in this present Parliament assembled, and by the authority of the same, That after euery Summons vpon the Land in any Reall Action, foureteene dayes at the least, before the day of the returne thereof, Proclamation of the same Summons shalbe made on a Sunday, at or neere the most vsuall dooze of the Church or Chappell of that Towne or Parish, where the Land whereupon that Summons was made, doth lye, and in case there be no Church nor Chappell, then in the Church-yard of the same Parish, where the Land whereupon the Summons was made, doth lye: And that Proclamation so made, as aforesaid, shalbe returned, together with the names of the Summoners, and if such Summons shall not bee proclaymed and returned, according to the tenor and meaning of this Act, Then no grande Cape to be awarded, but an Alias and plures Summons, as the cause shall require, vntill a Summons and Proclamation shalbe duely made and returned, according to the tenor and meaning of this Act, any law, statute, or vsage to the contrary notwithstanding.

CAP. XIII.

An Act for the explanation of the Statute of *Anno Octavo* of *Henry* the sixt, concerning forcible Entries, and to enable certaine Iudges and Iustices, to give restitution of possession in certaine cases.

WHereas there is one good Act, made and established in England, in the eight yeare of the raigne of King Henry the first, against such persons as should make forcible Entries into Lands, Tene-ments, and other Possessions, or them should forcibly hold: And one very good Proviso or clause in the said Act contained, as insueth. Prouided alwayes, that they which keepe their possessions with force, in any Lands, & Tenements, whereof they or their Auncestors haue continued their possession in the same, by three yeares or more, bee not endamaged by force of the said Statute. And whereas diuers of the Kings Maiesties good and louing Subiects, and their Auncestors, or those whose estate they haue, for many yeares together, aboue the space of three yeares, or more, haue bin in quiet possession of their dwelling-houses, & other their Lands & Possessions: And now of late, diuers of his Maiesties said Subiects, hauing Entries made vpon their possessions, hauing had such quiet & long possession, for disturbing of such entries, and for keeping of their possession against such entries, by colour of indictments of forcible entrie, or forcible keeping possession found against them, by meanes of the oathes of such entrers, haue been remoued and put out of their dwelling-houses, & other their possessions, which they haue quietly held by the space of three yeares together, or longer time, next before such Indictments found against them, against the true meaning and intent of the said Proviso, or clause contained in the said Act.

For remedy of which inconvenience, and for true declaration and explanation of the Law therein, be it ordained, declared, and enacted by the authority of this present Parliament, that no restitution, vpon any Indictment of forcible entrie, or holding with force, be made vnto any person or persons, if the person or persons so indicted, hath or haue had the occupation, or hath or haue bin in the quiet possessiō, by the space of three whole yeares together, next before the day of such indictment so found, & his, her, or their estate or estates, therein not ended, nor determined; which the partie indicted, shall and may alleage for stay of restitution, and restitution to stay, vntill that be tryed, if the other will deny & trauerse the same. And if the same allegations bee tryed against the same person or persons so indicted, then the same person or persons, so indicted to

pay ſuch coſts and damages to the other party, as ſhalbe aſſeſſed by the Judges or Juſtices, before whom the ſame ſhall be tryed, the ſame coſts and damages to be recouered, & levyed, as is vſuall for coſts and damages, contayned in Judgments vpon other actions.

And be it further enacted by the authority aforeſaid, that ſuch Judges, Juſtices or Juſtice of the peace, as by reaſon of any Act or Acts of Parliament, now in force, are authorized and enabled vpon enquiry, to giue reſtitution of poſſeſſion vnto Tenants, of any eſtate of Free-hold, of their Lands, or Tenements which ſhall be entred vpon with force, or from them with-holden by force, ſhall by reaſon of this preſent Act, haue the like, and the ſame authority, and ability, from henceforth, (vpon indictment of ſuch forceable Entries, or forceable with-holding before them duely found) to giue like reſtitution of poſſeſſion vnto Tenants, for tearme of yeares, Tenants by Coppy of Court Roll, Gardians by knights ſeruice, Tenants by Elegit, Statute-Merchants, and Staple, of Lands, or Tenements, by them ſo holden, which ſhalbe entred vpon by force, or holden from them by force.

And be it further enacted by the authority aforeſaid, That all & euery Juſtice and Juſtices of Aſſize, ſhall for euer hereafter in their ſeuerall Circuits reſpectiuely, haue the like power and authority, to all intents & purpoſes, to inquire, heare, and determine of all forcible Entries, & forcible holding, and all other offences, as well againſt the ſaid Statute of Octavo of King Henry the Sixt, as againſt this preſent Statute, and to award reſtitution of poſſeſſion in all caſes, as any other Judge or Juſtice or Juſtices of the peace, could, or may doe by this Act, or by any other Statute of force within this Realme.

CAP. XIV.

An Act againſt the killing of young Spawne, or frye of Eeles and Salmon.

IN all humbleneſſe, wee your Maieſties loyall & faithfull Subiects, of this your Highneſſe Realme of Ireland, doe pray and beſeech your moſt excellent Maieſtie, that it may be enacted by your Highneſſe, with the aſſent of the Lords Spirituall & Temporall, and Commons in this preſent Parliament aſſembled, in manner and forme following, viz. Forasmuch as great hurt, and daylie inconueniences haue, & doe enſue vnto all the Kings Subiects of this Realme, by the greedy appetites, and inſatiable deſire, which ſundry of them occupying fiſhing, haue vſed, by taking, and killing the young Spawne, Fry, or Breed of Eeles, & Salmon, as well

aſwell in ſalt Riuers, as in freſh Riuers, Loghes, Plaſhes, Fennes & Marſhes, in many parts of this Realme: As alſo ſetting of ſtop-Nets, ſtill-Nets, or ſtanding-Nets, fixed vpon poſts, or otherwiſe, in the Riuers where the Salmon ſhould paſſe vp from the Sea, to the great hinderance & preiudice of the Common-wealth of this Realme.

Be it therefore enacted by this preſent Parliament, & by the authoritie of the ſame, that no mauner of perſon or perſons, of what eſtate, degree, or condition ſoeuer they be, with any maunner of Net, Weele, or with any other deuice or engine whatſoeuer, ſhall willingly preſume to take any Fry, Spawne, or Breed of Eeles, in any Riuer or Water, ſalt or freſh, within this Realme of Ireland. And ouer this, that no maunner of perſon or perſons, from henceforth, ſhall preſume willingly to take or deſtroy, in, or by meanes of any Weele, Net, Net of Haire, or by any other Engine (Angling onely excepted) Flud-gate, Salmon-pipe, or at the tayle of any Mill, or Weare, or in any Straites, Riuers, or Brookes, ſalt or freſh, within this Realme of Ireland, the young Fry, Spawne, or Breed, of any kind of Salmon, called Lakelpnkes, Smowtes, or Salmon-Peales. And alſo that no maunner of perſon or perſons, ſhall vſe, or ſet, or take any Salmon, with any ſuch ſtop-Nets, ſtill-Nets, or ſtanding-Nets: And if any perſon or perſõs offend in any of the points beforerehearſed, cõtrary to the tenor, forme, & purport of any part of the ſame, then euery ſuch perſon or perſons ſooffending, ſhall looſe & forfeit for euery time of his, or their ſuch offence, the ſumme of forty ſhillings, and the Fiſh, and alſo the vnlawfull Nets, and other vnlawfull Engines, and deuices, whatſoeuer they be, made, kept, or vſed, for the killing, taking, or deſtroying of the young Breed, Spawne, or Fry of Eeles, or Salmon, before rehearſed, or ſetting of the ſaid ſtop-Nets, or taking the ſaid Salmon therewith, the one halfe of the ſaid forfeiture, ſhalbe to the Kings Highnes, his Heires, & Succeſſors, and the other halfe ſhall be to him that will ſue for the ſame, by action of debt, bill, plaint, or otherwiſe, in any Court of Record, within this Realme. And that the Juſtices of Aſſizes, and alſo the Juſtices of the peace in euery Aſſize, and Quarter-Seſſions within this Realme, ſhall haue full power, and authority by vertue of this preſent Act, by way of Inditement, or otherwiſe, not only to inquire, of, and vpon defaults and offences committed, contrary to the tenor and effect of this preſent Act, but alſo to heare and determine the ſame, & to inflict due puniſhment, for reformation thereof by Fine, impriſonment, or otherwiſe, according to the tenor of this Act, from time to time, as often as the caſe ſhall require in euery behalfe.

CAP. XV.

An Act againſt Maintenance, Embracery, &c. and againſt unlawfull Buying of Titles.

THe King our Soueraigne Lord, calling to his moſt bleſſed remembrance, that there is nothing within this Realme, that conſerueth his louing Subiects in more quietneſſe, reſt, peace, and good concord, then the iuſt & due adminiſtration of his Lawes, & the true & indifferent tryals of ſuch titles and iſſues as bee to bee tryed, according to the Lawes of this Realme, which his moſt Royall Maieſtie perceiueth to bee greatly hindered by Maintenance, Embracery, Champertie, Subornation of witneſſes, ſiniſter labour, buying of titles, and pretended rights of perſons, not being in poſſeſſion, whereupon great periury hath enſued, & much vnquietneſſe, oppreſſion, vexation, trouble, wrongs, and diſinheritance, hath followed among his moſt louing Subiects, to the great diſpleaſure of Almighty God, the diſcontentation of his Maieſtie, and to the great hinderance, & lett of Juſtice within this his Realme.

For the auoyding of all which miſdemeanors, & buying of titles & pretenſed Rights, and to the intent that Juſtice may bee more fully & indifferently miniſtred, and the truth in cauſes of contention, plainly tryed, between his Subiects of this Realme: Be it enacted by our ſaid Soueraigne Lord, with the aſſent of the Lords Spirituall, & Temporall, and the Commons in this preſent Parliament aſſembled, and by the authoritie of the ſame, that from henceforth all Statutes heretofore made in England, concerning Maintenance, Champertie, and Embracery, or any of them, now ſtanding and being in their full ſtrength, & force, ſhalbe put in due execution in this Realme of Ireland, according to the tenures and effects of the ſame Statutes.

And ouer that, be it further enacted by the authoritie aforeſaid, That no perſon or perſons, of what eſtate, degree, or condition ſoeuer he, or they be, ſhall from henceforth bargaine, buy, or ſell, or by any wayes or meanes, obtaine, get, or haue any pretenſed rights, or titles, or take, promiſe, grant, or couenant, to haue any right or title of any perſon or perſons, in, or to any Manors, Lands, Tenements, or Hereditaments, but if ſuch perſon or perſons, which ſhall ſo bargaine, ſell, giue, grant, couenant, or promiſe the ſame, their Anteceſſors, or they, by whom he or they clayme the ſame, haue beene in poſſeſſion of the ſame, or of the reuerſion or remainder thereof, or taken the rents or profits thereof, by the ſpace of one whole yeare, next before the ſaid bargaine, couenant, grant, or promiſe made, vpon paine, that he that ſhall make any

ſuch

ſuch bargain, ſale, promiſe, couenant, or grant, to forfeit the whole value of the Lands, Tenements, or Hereditaments, ſo bargained, ſold, promiſed, couenanted, or granted, contrary to the forme of this Act: And the buyer or taker thereof, knowing the ſame, to forfeit alſo the value of the ſaid Lands, Tenements, or Hereditaments, ſo by him bought or taken, as is aboueſaid: the one halfe of the ſaid forfeitures, to be to the King our Soueraigne Lord, and the other halfe to the partie that will ſue for the ſame, in any of the Kings Courts of Record, by action of debt, bill, plaint, or information, in which action, bill, plaint, or information, no eſſoyne, protection, wager of Law, nor iniunction, ſhalbe allowed.

And furthermore, that no manner of perſon or perſons, of what eſtate, degree, or conditiō ſoeuer, he or they be, doe hereafter vnlawfully maintaine, or cauſe or procure any vnlawfull maintenance in any action, demaund, ſuite, or complaint, in any of the Kings Courts of the Chancery, Caſtle-Chamber, or elſe-where, within this his Highnes Realme of Ireland, where any perſon or perſons, haue, or hereafter ſhal haue authority, by virtue of the Kings Commiſſion, Patent, or Writ, to hold plea of Lands, or to examine, heare, or determine any title of Lands, or any matter of witneſſes, concerning the title, right, or intereſt, of any Lands, Tenements, or Hereditaments. And alſo, that no perſon or perſons, of what eſtate, degree, or condition ſoeuer he or they be, doe hereafter vnlawfully retaine, for maintenance of any ſuite, or plea, any perſon or perſons, or embrace any Free-holders, or Iurors, or ſubborne any witneſſe, by letters, rewards, promiſes, or any other ſiniſter labour, or meanes, for to maintaine any matter or cauſe, or to the diſturbance or hinderance of Iuſtice or to the procurement or occaſion of any manner of periury, by falſe verdict, or otherwiſe, in any manner of Courts aforeſaid, vpon paine to forfeite for euery ſuch offence, Ten pounds: the one moytie thereof vnto the King our Soueraigne Lord, and the other moytie to him that will ſue for the ſame, by action of debt, bill, plaint, or information, in any of the Kings Courts, in which Action, no eſſoyne, protection, wager of Law, nor Iniunction, ſhalbe allowed.

Prouided alway, & be it enacted by the authority aforeſaid, that it ſhall be lawfull to any perſon, or perſons, being in lawfull poſſeſſion, by taking of the yearely Farme, rents, or profits, of, or for any Manors, Lands, Tenements, or Hereditaments, to buy, obtain, get, or haue, by any reaſonable way, or meanes, the pretenſed right or title, of any other perſon or perſons, hereafter to bee made, to, of, or in ſuch Manors, Lands, Tenements, or Hereditaments, whereof he or they ſhall ſo be in lawfull poſſeſſion: any thing in this Act contayned to the contrary notwithſtanding.

And for the due executiō of this preſent Act, be it further enacted by the authoritie aboueſaid, that the Iuſtices of Aſſize, of euery Circuit within this Realme, ſhal in euery County within their Circuits,

cuits, two times in the yeare, that is to say, in the time of their sittings, for the taking of Assizes, or deliuery of the Gaoles, cause open Proclamation to be made, aswell of this present Act, & of euery thing therein contained, as also of all other Statutes heretofore made against vnlawfull Maintenance, Champerty, Embracery, or vnlawfull Reteinors, to the intent, that no manner of person or persons, hearing the same, should be ignorant, or miscognisant of the dangers and penalties therein contayned and specified.

Prouided alway, & be it enacted by the authority aforesaid, that this Act shal not extend to charge any person or persons, with any the penalties mentioned in the said Act, for any offence by him or them committed, contrary to the said Act, except the same person or persons so offending, be sued thereof, by action of debt, bill, plaint, or information, in any of the Kings Courts, within one yeare, next after the same offence by him, or them committed, as is aforesaid.

Prouided also, & be it enacted by the authoritie aforesaid, That this Act, nor any thing therein contained, shall not extend in any sort, to limit or restraine the power or iurisdiction of the High Court of Castle-Chamber in this Realme: but that that Court may at any time proceede to the punishment of any of the offences or misdemeanors, mentioned in this Act, according to their discretions: any thing in this Act contained to the contrary, notwithstanding.

CAP. XVI.

An Act concerning Women conuicted of small Felonies.

WHereas by the lawes of this Realme, the benefit of Clergie is not allowed to Women conuicted of Felony, by reason whereof, many Women doe suffer death for small causes: Be it enacted by the authoritie of this present Parliament, That any Woman being lawfully conuicted by her confession, or by the verdict of twelue men, of, or for, the Felonious taking of any Money, Goods, or Chattles, aboue the value of twelue pence, & vnder the value of ten shillings sterling, or as accessary to any such offence, the said offence being no Burglary, nor Robbery, in, or neere the high-way, nor the Felonious taking of any Money, Goods, or Chattels, from the person of any man or woman, priuily, without his or their knowledge, but onely such an offence as in the like case a man might haue his Clergie, shall for the first offence be branded & marked in the hand, vpon the brawne of the left thumbe, with a hot burning Iron, hauing a Roman T vpon the said Iron, the

said

ſaid marke to be made by the Jayloꝛ, openly in the Court, beſoꝛe the Judge, & alſo to be further puniſhed, by impꝛiſonment, wimpping, ſtocking, oꝛ ſending to the houſe of Coꝛrection, in ſuch ſoꝛt, manner, & foꝛme, & foꝛ ſo long time (not exceeding the ſpace of one whole yeare) as the Judge, Judges, oꝛ other Juſtices, beſoꝛe whom ſhe ſhalbe ſo conꝛicted, oꝛ which ſhall haue auꝛhoꝛitie in the cauſe, ſhall in their diſcretions thinke meet, accoꝛding to the qualitie of the offence, & then to be deliuered out of pꝛiſon foꝛ that offence: any law, cuſtome, oꝛ vſage to the contrary notwithſtanding.

CAP. XVII.

¶ An Act for the puniſhment of ſuch as ſhall take away Maydens that be Inheritors, being within the age of ſixteene yeares, or marry them without the conſent of their Parents.

VVHeꝛe Maydens, and Women-Childꝛen of Noble-men, Gentle-men, & others, aſwell ſuch as be Heires apparant to their Auncetoꝛs, as others, hauing left vnto them by their Fa-ther, oꝛ other Auncetoꝛ, oꝛ Friends, Lands, Tenements, & Heꝛeditaments, oꝛ other great Subſtances, in Goods, & Chattles moueable, foꝛ, & to the intent to aduance them in marriage, ſomewhat like accoꝛding to their degrees, and as might beſt foꝛ their ſuretie, & comfoꝛt, aſwell foꝛ themſelues, as of all their friends & kinſ-folks, by flattery, trifling gifts, & faire pꝛomiſes, of many vnthꝛiftie & light perſonages, and theꝛeto by the intreatie of perſons of lewde demeanoꝛ, and others, that foꝛ rewards, buy and ſell the ſaid Maydens & Childꝛen, ſecretly allured & wonne, to contract Matrimonie with the ſaid vnthꝛiftie and light perſonages. And thereupon either with ſlight, oꝛ foꝛce, often-times be taken & conueyed away from their ſaid Parents, Friends, oꝛ kinſ-folkes, to the high diſpleaſure of Almighty God, diſparagement of the ſaid Childꝛen, and the extreame continual heauineſſe of their Friends: which vngodly dealing, foꝛ lacke of wholeſome Lawes to the ꝛedꝛeſſe theꝛeof, remaineth a great, familiar, and common miſchiefe, in this our Common-wealth.

Foꝛ remedie whereof, be it enacted by the Kings moſt excellent Maieſtie, the Lozds Spirituall and Temꝑoꝛall, and the Commons of this pꝛeſent Parliament aſſembled, and by the auꝛhoꝛity of the ſame, That it ſhall not be lawfull, to any perſon, oꝛ perſons, to take oꝛ conuey away, oꝛ cauſe to be taken oꝛ conueyed away, any Mayde, oꝛ woman-Childe vnmarryed, being within the age of ſixteene yeares, out of, oꝛ from the poſſeſſion, cuſtodie, oꝛ gouer-

nance, & against the will of the Father, of such Maide, or Woman-Childe, or of such person or persons, to whom the Father of such Maide, or Woman-Childe by his last will & Testament, or by any other Act in his life-time, hath, or shall appoint, assigne, bequeath, giue, or grant, the order, keeping, education, or gouernance of such Maide, or Woman-childe; except such taking and conveying away, as shalbe had, made, or done, by, or for such person or persons, as without fraude or couin, bee or then shalbe the Master or Mistris of such Maide or Woman-Childe, or the Guardian in Socage, or Guardian in Chiualrie, of, or to such Maide, or Woman-Childe.

And be it further enacted by the authority aforesaid, that if any person or persons, aboue the age of fourteene yeares, shall from, & after the first day of May, next ensuing, after the end of this present Session of Parliament, vnlawfully take, or conuey, or cause to be taken or conueyed, any Maide, or Woman-childe, vnmarryed, being within the age of sixteene yeares, out of, or from the possession, and against the will of the Father or Mother of such child, or out of, or from the possession, against the will of such person or persons, as theu shall happen to haue, by any lawfull wayes or meanes, the order, keeping, education, or gouernance, of any such Maide, or Woman-childe, that then euery such person or persons so offending, being thereof lawfully attainted or conuicted, by the order & due course of the Lawes of this Realme, other then such, of whom such person taken away, shall hold any Lands, or Tenements, by Knights seruice, shall haue and suffer imprisonment of his & their bodies, by the space of two whole yeares, without baile or mainprise, or else shall pay such Fine for his or their said offence, as shalbe assessed by the Counsell of the Kings Highnes, his heires or successors, in the Court of Castle-Chamber.

And be it further enacted by the authority aforesaid, That if any such person or persons, after the said day, shall so take away or cause to bee taken away, as is aforesaid, and deflowre any such Mayde, or woman-childe, as is aforesaid, or shall, against the will or vnknowing, of, or to the Father of any such Maide, or woman-childe (if the Father bee in life) or against the will, or vnknowing, of or to the Mother of any such Maide, or Woman-Childe) hauing the custodie & gouernance of such Childe (if the Father be dead) by secret Letters Messages, or otherwayes, contract Matrimonie with any such Mayde, or Woman-Childe, except such contract of Matrimonie, as shalbe made by the consent of such person or persons, as by the title of wardship, shall then haue, or bee intituled to haue, the Marriage of such Mayde, or Woman-Childe; That then euery such person or persons so offending, being thereof lawfully conuicted, as is aforesaid, shall suffer imprisonment of his, or their bodies, by the space of fiue yeares, without baile or mainprise, or else shall pay such Fine, for his or

their

their said offence, as shalbe assessed by the said Councell in the said Court of Castle-Chamber: The one moytie of all which Fines, shalbe to the Kings Maiestie, his Heires, and Successors: The other moytie to the parties grieued.

And be it further enacted by the said authoritie, That the Kings Highnes Honourable Councell of the Castle-Chamber, by Bill of complaint, or information, & Justices of Assize by Inquisition or Indictment, shall haue authoritie by vertue of this Act, to heare and determine the said offences; vpon euery which indictments and Inquisitions, such processe shalbe awarded, and lye, as vpon an Indictment of Trespasse at the Common-Law.

And further, Be it enacted by the authoritie aforesaid, That if any Woman-childe, or Mayden, being aboue the age of twelue yeares, and vnder the age of fifteene yeares, doe at any time consent or agree, to such person, that so shall make any Contract of Matrimonie, contrary to the forme and effect of this Statute, That then the next of the kinne of the same Woman-childe, or Mayde, to whom the Inheritance should discend returne or come, after the decease of the same Woman-childe, and Mayde, shall from the time of such assent and agreement, haue, hold, and enioy, all such Lands, Tenements, & Hereditaments, as the same Woman-childe, and Mayden, had in possession, reuersion, or remainder at the time of such assent and agreement, during the life of such person, that so shall contract Matrimonie. And after the decease of such person so contracting Matrimonie, that then the said Lands, Tenements, and Hereditaments, shall discend, revert, remaine, and come, to such person or persons, as they should haue done, in case this Act had neuer beene had, nor made, other then to him onely that so shall contract Matrimonie.

CAP. XVIII.

An Act for the swearing of Vnder-Sheriffes, and other Officers.

FOrasmuch as grieuous Complaints are many times made, of the misdemeanors, & euill behauiour of Vnder-sheriffes, who often-times, hauing to them committed by the high Sheriffe, the whole or part of the exercising, and executing of the Office of the high Sheriffe, and not taking any corporall Oath, as the high Sheriffe doth, for the executing and discharging of the same Office, doe therefore daylie, most iniuriously, through corruption, and affection, impanell Jurors for the Kings Maiestie, and betwixt party & party, to the great losse, hinderance, and damage of diuers his Maiesties louing Subiects of this Realme.

For reformation whereof, Be it enacted by the authoritie of

this preſent Parliament, That all and euery perſon & perſons, that from & after the firſt day of May next enſuing, ſhalbe admitted to, or take vpon him the executing of the Office of an Vnder-ſheriffe, in any Shire, or Countie, within this Realme of Ireland, before hee intermeddle with the vſe, or exerciſe of the ſaid Office, ſhall receiue and take a corporall oath, vpon the holy Euangeliſts, before the Juſtices of Aſſize, or one of them of the ſame Circuite, wherein that Countie is, whereof he ſhalbe Vnder-ſheriffe, or before the Cuſtos Rotulorum, or two Juſtices of the Peace, whereof one to be of the Quorum of the ſaid Countie, whereof hee ſhall bee Vnder-ſheriffe, as aforeſaid, which Oath ſhalbe as followeth: That is to ſay, I A. B. ſhall not vſe, or exerciſe the Office of Vnder-ſheriffe corruptly, during the time that I ſhall remaine therein, neither ſhall or will accept, receiue, or take, by any colour, meanes, or deuice whatſoeuer, or conſent to the taking of any maner of Fee, or reward of any perſon or perſons, for the impanneling or returning of any Inqueſt, Jury, or Tales, in any Court of Record for the King, or betweene partie and partie, aboue two ſhillings, or the value thereof, or ſuch Fees as are allowed, and appointed for the ſame, by the Lawes & Statutes of this Realme, but will, according to my power, truly, & indifferently, with conuenient ſpeed, impanneli all Jurors, and returne all ſuch Writ or Writs, touching the ſame, as ſhall appertaine to be done by my duty or office, during the time, that I ſhall remaine in the ſaid Office: So helpe me God.

And likewiſe bee it enacted by the authority aforeſaid, That this Act, ſhalbe a ſufficient warrant to the perſons appointed by this Act, to miniſter the Oath aforeſaid, for the miniſtring thereof accordingly.

And be it further enacted by the authority aforeſaid, That euery Vnder-ſheriffe that is already choſen, & appointed, for the executing of the ſaid Office of Vnder-ſheriffe, for the yeare or time begunne, of, or vpon the laſt change of Sheriffes, ſhall within forty dayes, next after the end of this preſent Seſſion of Parliament, receiue & take the Oath, mentioned in this Act, before ſuch perſon or perſons, as by this Act, is, or are limited & appointed to miniſter the ſame.

And be it further enacted by the authority aforeſaid, That euery Bayliffe of Franchiſes, Deputie, and Clarke of euery Sheriffe, and Vnder-ſheriffe, and euery other perſon and perſons, which after forty dayes, after the end of this preſent Seſſion of Parliament, ſhall haue authority, or take vpon him to impanneli, or returne any Inqueſt, Jurie, or Tales, or to intermeddle with Execution of Proceſſe in any Court of Record, ſhall before he or they intermeddle, with any further Execution thereof, receiue & take the Oath aforeſaid, corporally, before the perſon or perſons, appointed by this Act to miniſter the ſame, or before

the

the head Officer of the place, if it be a Towne Corporate, changeing onely the words, & the Office of Under-sheriffe, contained in the Oath expressed in this Act, to such words as are convenient for the Deputation, Office, or place, in which the party which taketh the Oath is to be exercised in. And if any the said persons limited to take the Oath aforesaid, doe take vpon him to impannell, or returne any Inquest, Jurie, or Tales, or to intermeddle with the execution of processe, not hauing before taken the Oath aforesaid, That then euery such person shall loose & forfeit the summe of forty pounds of currant English Money: The one moytie to be to the vse of our Soueraigne Lord the King: The other moytie to him, or them that will sue for the same.

And bee it further enacted by the authority aforesaid, That if any Sheriffe, or other person mentioned in this Act, or any of them, at any time or times, from, & after forty dayes, next ensuing the last day of this present Parliament, shall doe, or commit any Act or Acts, contrary to the Oath aforesaid, or contrary to the true intent and meaning of this Act, That then euery such person so offending, shall forfeit and loose, for euery such offence to the partie, or parties grieued, his, or their triple damages. All which seuerall forfeitures before mentioned, shall, or may, by the authority of this present Act, be recouered, had, & levyed, by action of debt, bill, plaint, or information, in any of the Kings Maiesties Courts of Record, in which Actions, Suits, Plaints, or Informations, no wager of Law, Essoyne, or Protection shalbe allowed.

And be it further enacted by authority aforesaid, That the Justices of Assize, and Justices of Peace, in their open Sessions, shal haue full power within the limits of their authority, to heare and determine the defaults done, contrary to this Act, aswell by presentment, and information, as indictment, and vpon Conviction of the Offendors to award Execution, for the levye of the forfeitures aforesaid, by Fieri facias, Attachment, Capias, or Exigent.

CAP. XIX.

An Act to prevent Extortions in Sheriffes, Vnder-Sheriffes, and Bayliffes of Franchises and Liberties, in cases of Execution.

BE it enacted by the authoritie of this present Parliament, that it shal not be lawful from the first day of May next ensuing, to, or for any Sheriff, Under-sheriff, Bayliff of Franchises, or Liberties, nor for any of their Officers, Ministers, Servants, Bayliffs, or Deputies, nor for any of them, by reason or colour of their, or

any of their Office or Offices, to haue, receiue, or take, of any perſon or perſons whatſoeuer, directly, or indirectly, for the ſeruing or executing of any Extent or Execution, vpon the body, lands, goods, or chattles of any perſon or perſons whatſoeuer; more, or other conſideration or recompence, then in this preſent Act, is, and ſhalbe limited & appointed, which ſhalbe lawfull to be had, receiued, & taken, That is to ſay, Twelue pence, of, and for euery Twenty ſhillings, where the ſumme exceedeth not one hundreth pounds, and fiue pence for euery Twenty ſhillings, being ouer and aboue the ſaid ſumme of one hundred pounds, that he, or they ſhall ſo levy or extend, and deliuer in execution, or take the body in execution for, by vertue and force of any ſuch extent or execution whatſoeuer, vpon paine and penaltie, that all and euery Sheriffe, Vnder Sheriffe, Bayliffe of Franchiſes, or Liberties, their, and euery of their Miniſters, Seruants, Officers, Bayliffes, or Deputies, which at any time after the ſaid firſt day of May, ſhall directly, or indirectly, doe the contrary, ſhall looſe & forfeit to the party grieued, his treble damage, & ſhall forfeit the ſumme of forty pounds, of good & lawfull Engliſh Money, for euery time that he, or they, or any of them, ſhal do the contrary, the one moytie ther of to be to our Soueraigne Lord the Kings Maieſtie that now is, his Heires & Succeſſors, and the other moytie to the partie or parties that will ſue for the ſame, by any plaint, action, bill, ſuite, or information, wherein no Eſſoyne, wager of Law, or protection ſhall bee allowed.

CAP. XX.

An Act againſt ſuch as ſhall levie any Fine, ſuffer any Recovery, knowledge any Statute, Recognizance, Baile, or Iudgment, in the name of any other perſon or perſons, not being privy, and conſenting thereto.

WHereas it is of late, growne to be a great & generall grieuance to his Maieſties Subiects within this Realme of Ireland, That many lewde perſons of baſe condition, for very litle reward or recompence, haue of late yeares vſed, and ſtill doe vſe to levy Fines, and ſuffer Recoueries of Lands, and other Hereditaments, to knowledge Statutes, Recognisances, Bayles & Iudgements, in the name or names of any other perſon, or perſons not privy, or conſenting to the ſame, which hath, and dayly doth turne to the great Inquietation, charge, trouble, & vndoing of many of the good Subiects of this Kingdome. And the rather for

for that there is noremedy inlaw, to reform these & the like abuses.

For remedy whereof, bee it enacted by the Kings most excellent Maiestie, the Lords Spirituall, & Temporall, and Commons in this present Parliament assembled, & by the authority of the same, that all & every person & persons, which at any time after the end of this present Session of Parliament, shall acknowledge, or procure to be acknowledged, any fine or fines, recouery or recoueryes, deed, or deeds inrolled, statute or statutes, recognisance or recognisances, baile or bailes, iudgment or iudgments, in the name or names of any other person or persons, not priuie & consenting to the same, & therof lawfully convicted or attainted, shalbe adiudged, esteemed, & take to be Felons, & suffer the paines of death, & incurre such forfeitures & penalties, as Felons in other cases convicted or attainted, doe by the lawes of Ireland, lose & forfeit, without the benefit or priuiledge of Clergie, to bee allowed to any such offendor, or offendors. Prouided alwayes, that such attaindor, shal not be any corruption of blood, nor losse of dower to the wife, but the next heire shall haue the lands, whereof such persons attainted, dyed seised, & such wife her dower, as if no such attaindor had binhad.

Prouided alwayes, & be it enacted likewise by the authoritie aforesaid, That this Act shall not extend to any iudgment or iudgmẽts acknowledged by any Attorney or Attorneys of Record, for any person or persons, against whom any such iudgment or iudgments shalbe had or giuen.

CAP. XXI.

An Act whereby certaine of the Nobility of this Kingdome of Ireland, dwelling within England, or elsewhere, out of this Realme, are made lyable unto certaine charges within this Kingdome.

WHerras it hath pleased our late most gracious Soueraigne Lord King Iames of blessed memory, as also the Kings most excellent Maiesty that now is, out of their princely wisdoms, & of their meere grace & fauor, to conferre vpon seuerall able, worthy, & well-deseruing persons, inhabiting, or dwelling in England & elswhere, out of this Kingdome, titles of honor amongst the Nobilitie of this Kingdome of Ireland, whereby they doe enioy place & precedencie, according to those titles respectiuely; so it cannot be denyed, but that in a iust way of retribution, they ought to contribute to all publique charges & payments, taxed by Parliament in this Kingdome, frõ whence the titles of their Honors are deriued, and whereunto others of their ranke here resident, are lyable.

Be it therfore enacted by the Kings most excellent Maiestie, the Lords Spirituall & Temporall, & the Commons in this present Parliament assembled, & by the authority of the same, that all and euery person and persons, now being, or which hereafter shalbe an Earle, Viscount, or Baron of this Kingdome, & haue place & voice in the Parliament of this Realme, though resident, or dwelling in Eng-

England, or elſwhere, ſhalbe lyable to all publique payments, and charges which ſhalbe taxed or aſſeſſed in this preſent Parliamẽt, or in any other Parliament hereafter to be aſſembled in this Kingdome, or by authority of the ſame Parliaments, or any of them, & ſhall from time to time contribute thereunto, and pay their ratable parts thereof, in ſuch manner and forme, as others of their ranke, reſident in this Kingdome, are lyable vnto, or ſhall pay.

CAP. XXII.

An Act to repeale a Statute made in the 12. yeare of King *Edward* the 4. concerning bringing Bowes into this Realme.

WHereas by an Act of Parliament, made in the 12. yeare of King Edward the 4. entituled an Act for bringing Bowes into this Realme, from the Realme of England, by merchants & others: It is ordained and enacted, that euery Merchant & Paſſenger, that bring merchandiſes into this Land of Ireland, out of England, to the ſumme of 100l. that hee ſhall buy and bring with him into the ſaid Land, in Bowes, to the value of one hundred ſhillings, and ſo following after the rate, vnder, or ouer, to the ſumme of twenty pounds. And if any Merchant or Paſſenger, bring any merchandize into the ſaid land, & bring with him no Bowes, as is afore rehearſed, that the ſaid Merchant ſhal loſe & pay the value of the ſaid Bowes, the one moytie thereof to the King, and the other moytie to the Searchers of the ſame, for the time being: and that the ſaid ſearchers, may haue an action of debt, againſt the ſaid perſons therfore, in any Court that the King hath, aſwel for the King, as for the ſaid ſearchers. And that the Bayliffs of the City of Dublin, for the time being, be ſearchers of the ſame, within the Franchiſes of the ſaid City, and that the Sheriff of the town of Drogheda, in like maner vpon the ſame, within the franchiſes of the ſaid town, and ſo in like maner, the officers of the ſame in euery city and town within this land of Ireland. And if the ſaid ſearchers in any city & town, within this ſaid land, be negligent in exerciſing of the ſaid ſearch, that they ſhall loſe to the King for euery default, 40 ſ. as by the ſaid Act more large appeareth. Foraſmuch as the cauſe of making of the ſaid Act, is now vtterly ceaſed, for that the vſe of Bowes, is not ſo needful now, as it was at the time of the making the ſaid Act, and for that if ſuch ſtore of Bowes ſhould be brought into this Realme, as by the ſaid Act is required, there would be no vent, nor vtterance for the ſame, Be it enacted by the authority of this preſent Parliamẽt, that the ſaid Act for bringing in of bowes, in maner and forme aforeſaid, and the forfeiture of the value of the ſaid Bowes, and the power thereby giuen to the ſearchers, to haue an actiõ of debt, for the value of the ſaid bowes, againſt ſuch perſõs as failed to bring in the ſame, in any of the Kings courts, aſwel for the King, as for the ſearchers, and all and euery branch, clauſe and article in the ſaid Act contained, bee repeaſed, and made vtterly voyde, and of none effect, to all intents and purpoſes.

Statuta, Ordinationes,

Actus, & Proviſiones in Parliamento prędicto apud Caſtrum *Dublin*, prædicto die Martis viz. viceſimo quarto die Martij, anno Reni dicti Domini Regis CAROLI decimo, coram præfato Deputato ſuo ſimiliter tento, & ibidem continuato, uſque ad decimum octavum diem Aprilis, tunc proximè ſequentis, edita in hęc verba.

CAP. I.

An Act to prevent and reforme prophane Swearing and Curſing, &c.

FOraſmuch as all prophane Swearing and Curſing is forbidden by the Word of God: Be it therefore enacted by the authority of this preſent Parliament, That no perſon or perſons, ſhall from henceforth prophanely ſweare or curſe: and that if any perſon or perſons, ſhall at any time or times hereafter offend herein, either in the hearing of any Juſtices of peace of the County, or of any Mayor, Juſtice of peace, Bayliffe, or any other head Officer of any Citty or Towne Corporate, where ſuch offence is, or ſhalbe committed, or ſhall thereof be convicted by the oathes of two witneſſes, or by the confeſſion of the party, before any Juſtice of the peace of the County, or head Officer, or Juſtice of the peace, in the Citty or Town Corporate, where ſuch offence is, or ſhalbe committed. To which end euery Juſtice of the peace, & euery ſuch head officer, ſhal haue power by this Act, to miniſter the ſame oath, that then euery ſuch offendor, ſhall for euery time ſo offending, forfeite

and pay to the vſe of the poore of that Pariſh, where the ſame offence is, or ſhalbe committed, the ſumme of Twelue pence. And it ſhall alſo be lawfull for the Conſtables, and Church-wardens, or any one of them, by Warrant from ſuch Juſtice of Peace, or Head-Officer, to leuye the ſame ſumme or ſummes of money, by diſtreſſe and ſale of the Offendors goods, rendring to the partie the ouer-plus; and in defect of ſuch diſtreſſe, the Offendor, if he, or ſhee, bee aboue the age of Twelue yeares, ſhall by Warrant from ſuch Juſtice of the Peace, or Head-Officer, bee ſet in the Stockes by three whole houres. But if the Offendor be vnder the age of Twelue yeares, and ſhall not forthwith pay the ſaid ſumme of Twelue pence, then he, or ſhee, by the Warrant of ſuch Juſtice of Peace, or Head-Officer, ſhalbe whipped by the Conſtable, or by the Parents, or Maſter, in his preſence.

And bee it further enacted, that if any ſuch Offendor, ſhal commence any ſuite in Law againſt any Officer or other, for ſuch diſtraining, ſale of goods, whipping, or ſetting in the ſtocks, the defendant or defendants may pleade the generall iſſue, and giue the ſpeciall matter in euidence to the Jury at the tryall, and if it bee found againſt the plaintiffe, or that the plaintiffe be non-ſuite, the defendant or defendants ſhal be allowed good coſts, to be taxed by the Court. Prouided neuertheleſſe, that euery offence againſt this Law, ſhalbe complained of, & proued as aboueſaid, within twenty dayes after the offence committed.

And it is alſo enacted, that this Act ſhalbe read in euery Pariſh Church, by the Miniſter thereof, vpon the Sunday after the Euening Prayer, twice in the yeare.

CAP. II.

¶ An Act to inable reſtitution of Impropriations, and Tithes, and other Rights Eccleſiaſticall to the Clergie, with a reſtraint of aliening the ſame: And directions for Preſentations to the Churches.

FOr the due maintenance of ſuch as ſhall teach and inſtruct the People in the worſhip of God, and the better to enable them to keepe Hoſpitalitie, and relieue the poore, Be it enacted by the King our Soueraigne Lord, and the Lords Spirituall and Temporall, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame; That it ſhall and may be lawfull from henceforth, for all and euery perſon and perſons, of full age, ſane memorie, and not Couert Baron, and for all and euery bodies politique and Corporate, of, or within this Realme, which are ſeized of any Impropriations of any Parſonages, Rectories, Vicarages, or other Benefices Eccleſiaſticall whatſoeuer, or of any Glebe-Lands,

Lands, Tithes, Portions of Tithes, Penſions, Oblations, or Rights heretofore Eccleſiaſticall, of any eſtate of Inheritance, in poſſeſſion, reverſion, or remainder, or in vſe, freely out of their devotion or otherwiſe, at their pleaſure, vpon any other reaſonable ground, or contract, without any licence of alienation, or licence to alien in Mortmaine, to reſtore, dedicate, giue, deviſe, limit, or convey the ſame, or any part thereof, for the better maintenance of the Miniſters of Gods holy Word and Sacraments, either by his, or their Deed, or Charter, vnder his or their reſpective Seale or Seales, made & delivered in the preſence of three, or more ſufficient witneſſes, or by their reſpective laſt Will in writing, made & publiſhed, in the preſence of like number of ſufficient witneſſes, vnto any the Parſon or Vicar of the ſaid Pariſh or Pariſhes immediatly, and to his Succeſſors, if any ſuch bee endowed within the ſaid Pariſh, where the ſaid Appropriation, Glebe-Land, Tithes, or other the ſaid premiſſes, are, or doe lye, ariſe, or grow: or if there bee no ſuch Parſon or Vicar, endowed within ſuch Pariſh, then to the Archbiſhop of that Province, or Biſhop of that Dioceſſe, and to their, or any of their Succeſſors, in truſt vnto, and for the vſe of ſuch Miniſter, as ſhall ſerue the Cure in the ſaid Pariſh, vntill there ſhalbe a Rector, Parſon, or Vicar of the ſaid Pariſh there eſtabliſhed, and then to the ſole vſe of the Rector, Parſon, or Vicar of the ſaid Pariſh, and of his Succeſſors for euer; ſuch vſe & truſt to be expreſſed, and contained in ſuch Deed, Charter, or laſt Will, or otherwiſe in ſome writing, vnder the Seales of ſuch perſon & perſons, who ſhall ſo giue limit, or deuiſe the ſame. And it is hereby enacted, that immediatly from, and after ſuch deed and writing made, as aforeſaid, and after the deaths of ſuch Teſtators, or Deviſors, who ſhall make ſuch Will, as aforeſaid, reſpectiuely, The ſaid Parſon, or Vicar, and his Succeſſors, to whom ſuch graut, limitation, or deviſe, ſhalbe immediatly made, & the ſaid Metropolitane, Biſhop & Biſhops, & their ſucceſſors, vnto whom ſuch Parſonage, impropriate Glebe-Lands, Tithes, or other the premiſſes ſhalbe granted, bequeathed, or limited by ſuch Deed, Charter, Will, or Writing, vpon ſuch truſt, or to ſuch vſe, as aforeſaid, ſhall ſtand and be ſeized thereof, to them and their Succeſſors for euer reſpectiuely, of an abſolute, indefeſible eſtate in fee ſimple, the Statute concerning Lands alienes in Mortmaine, or any other Law, or Statute, or other matter or thing whatſoeuer to the contrary thereof in any wiſe notwithſtanding.

And the true intent of this preſent Act further is, that if within the Pariſh, wherein the ſaid Appropriations, Glebe-Lands, Tithes, or other the premiſſes, are limited by the ſaid Donors, or Deviſors, to be imployed for the maintenante of any ſuch Miniſter of the Word of God, as aforeſaid, there be no Parſon, or Vicar endowed, that then it ſhalbe lawfull vnto, and for the Ordinary, and Metropolitan of that Dioceſſe, after that there ſhall bee

Glebe-Lands, Tithes, or other the premiſſes, amounting to the full third part, or more, of all the profits of the intire Impropriation limited, as aforeſaid, by their Writings vnder their Archi-epiſcopall and Epiſcopall ſeales, to ordaine, conſtitute, and appoint one ſufficient Miniſter, or Clarke, learned in the Word of God, to be Parſon, or Vicar of the ſaid Pariſh, in a perpetuall ſucceſſion to him and his Succeſſors for euer, and ſhall cauſe him to bee admitted inſtituted & inducted, as Parſon, & Rector, or Vicar thereunto: which ſaid ordination, conſtitution, & appointment, inſtitution and induction, ſhall within conuenient time after, be all of them inrolled in his Maieſties Court of Exchequer, at the coſts of the ſaid new ordayned Parſon, or Vicar, immediatly from and after the enrollment whereof, the ſaid Parſon, or Vicar ſo ordayned, inſtituted and inducted, ſhalbe, and in Law ſhalbe accompted, accepted, & taken to be Parſon, or Vicar of the ſaid Rectory, in Church and Pariſh, to him, and his Succeſſors for euer, in a perpetuall ſucceſſion, to all intents and purpoſes. And then and from thence-forth alſo, ſhall haue, & by virtue of the ſaid conueyances & limitations, and by virtue of this Act, ſhalbe, and become eſtated & ſeized to him and his ſucceſſors for euer, of, and in all and euery the ſaid Parſonage, or other Benefice, Appropriation, Glebe-Lands, Tithes, and premiſſes, (before conueyed & eſtated, or otherwiſe limited, as aforeſaid, in truſt vnto the ſaid Archbiſhops, or Biſhops, for the maintenance of a Miniſter of a good, ſure, abſolute, and indefeſible eſtate in fee ſimple, as Parſon, & Rector, or Vicar of that Church and Pariſh.

And be it likewiſe further enacted by the authority aforeſaid, That at all times, and from time to time hereafter, it ſhall & may be lawfull vnto, and for all and euery perſon, and perſons whatſoeuer, being of full age, ſane memorie, & not Couert Baron, and to and for all and euery bodies politique and Corporate, who ſhalbe ſeized of any eſtate of Inheritance, in poſſeſſion, of and in any parſonages, Vicarages, and other Benefices appropriate within this Realme of Ireland, by his or their writing or writings, vnder their reſpectiue ſeales, to preſent a lawful and ſufficient Clarke for ſuch parſonage, Vicarage, or other ſuch Benefice appropriate vnto the Ordinary, or Metropolitane of the Dioceſſe, where ſuch parſonage, Vicarage, or Benefice appropriate, is, and doth lye: And that vpon ſuch preſentation, ſuch Ordinary or Metropolitane, ſhall admit ſuch Clarke ſo preſented, and him inſtitute, and cauſe to be inducted into the ſaid Church and Benefice. All which ſaid preſentation, admiſſion, inſtitution, and induction, ſhalbe entred and inrolled in the ſaid Court of Exchequer, at the charge of the parſon ſo preſented, (or of the ſaid partie who ſo preſented him, if he ſo pleaſe) And that immediatly from and after ſuch preſentation, and inſtitution, ſo made & inrolled, the ſaid Appropriation ſhalbe for euer diſſolued, and the ſaid Rectorie, Vicarage, (or other

Bene-

Benefice, or liuing whatſoeuer it be) diſappropriate, and thence-forth for euer ſhalbe, and ſhall become preſentatiue by the Donors thereof, their Heires, Succeſſors, and Aſſignes, in ſuch manner & forme, as other Churches preſentatiue are by other patrons, when & ſo often as the ſame ſhall become voyd by any wayes or meanes, any Law, Statute, Cuſtome, or other thing whatſoeuer to the contrary hereof, notwithſtanding. Sauing to the Kings Maieſtie, his Heires, and Succeſſors, and to all and euery other perſon and perſons, bodies politique and Corporate, their heires, and Succeſſors, (other then the ſaid Donors & Deviſors of any ſuch Appropriation, Glebe Lands, Tithes, or other Hereditaments, formerly Eccleſiaſticall, or of any of them, and their Heires and Succeſſors, and other then ſuch perſon and perſons, and bodies politique, and Corporate, who ſhall make ſuch preſentations, as aforeſaid, to the ſaid Benefices appropriate, and to their Heires & Succeſſors, and other then all and euery other perſon & perſons, bodies politique and corporate whatſoeuer, their heires and ſucceſſors, clayming any eſtate, title, or intereſt, in the remainder, or reuerſion, of, or in the ſame, after the eſtate or eſtates of ſuch Donors, Deviſors, or preſentors, ended and determined, and other then all and euery other perſon and perſons ſeized, or clayming to their, or any of their vſes) all ſuch eſtate, right, title, intereſt, rent, penſions, profits, emoluments, and demaunds, as they, or any of them had therein, or thereto, at and before the time of ſuch reſtitution, dedication, limitation, gift, grant, deviſe, conveyance, or preſentation made, as aforeſaid, as if this Act had neuer beene had or made.

Prouided alwayes, & be it further enacted by the authority aforeſaid, That when any ſuch donation, dedication, limitation, or conveyance, ſhalbe made of any Rectory, Vicarage, or Benefice appropriate, or of any Glebe-Lands, Tithes, or other Hereditaments, formerly Eccleſiaſticall, or of any part thereof, or of any of them, vnto and for the maintenance of any ſuch Miniſter, as aforeſaid, That then if the parſonage appropriate, or other thing ſo giuen, reſtored, dedicated, limited, or conveyed, be the ſole and only endowment of ſuch Miniſter in right of the ſame Church, or if it ſhalbe foure times in yearely value, ſo much, or more, as ſuch Miniſter, Parſon, Vicar, or Benefice formerly had, and was endowed of, in right of the ſaid Church, That then the ſole patronage of ſuch Benefice, ſhalbe, and ſhall appertaine to ſuch Donor or Deviſor, his & their Heires and Succeſſors only. But if the ſame be only three times ſo much, then ſuch Donor or Deviſor, his, & their Heires & Succeſſors, ſhall haue vpon the Succeſſiue avoydances thereof, three preſentations only. And the former patron and patrons, the fourth preſentation. And if but twice aſmuch in yearely value, then the ſaid Donors or Deviſors, their Heires and Succeſſors, to haue onely two preſentations, and the former pa-

tron or Patrons, one; And if it be but of equall yearely value, or neere thereabouts, vnder or ouer, then the said Donors, or Deuisors, their Heires and Successors. And the said former Patrons to present by turnes, whereof the said Donors to haue the first. And on the other side, the like proportion and course to be holden, where the former endowments of such Benefices, shall exceed the yearly value of the Rectories appropriate, Tithes, Glebe-Lands, or other Hereditaments, so giuen, restored, dedicated, limited, or conueyed. The said proportions & rates of the said endowments, Glebes, Tithes, and Hereditaments, to be made by Commission, to be Granted out of the said Court of Exchequer, at the proportionable Charge of the said Donors or Deuisors, or of their heires: and of the former Patrons, which being executed & returned into the said Court of Exchequer, shalbe peremptory & finall to all parties.

And whereas in diuerse places of this Kingdome of Ireland, there are within one Parish, both a Parish and a Vicar endowed, & in some Parishes more: Be it enacted by authority aforesaid, That in euery such case, it shall and may be lawfull vnto, and for the Bishop of that Diocesse, & Metropolitane of that Prouince, (within which, the said parishes, are situate, by their writing vnder their Archi-episcopall and Episcopall Seales, at any time or times hereafter, to vnite, and consolidate all and euery the said parsonages, and vicarages, so being within one parish, (other then such parsonages or vicarages, as are annexed to any Deane, Prebend, or Dignity, in any Cathedrall Church) into one entire Parsonage, or Rectory, or Benefice. Yet neuertheless, so that if such Parsonages, and Vicarages, or any of them, be at that time full of Incumbents, That euery of the said Incumbents, shall, & may, hold, and retaine, to their owne vse, his, and their respectiue Parsonages and Vicarages, and all the profits thereof, for so long time as they shall liue, and continue lawfull Incumbents thereof. And if one or more of such Incumbents, doe dye, or otherwise cease, religne, or be deposed, or deprined from their said Benefices & Incumbencies, that then the said Parsonage, Vicarage or Benefice, so, or by any other meanes growing voyde, with all the lands, emoluments, and profits thereof, shall survive, remaine, accrue, and grow to the Survivor and Survivors, of such the said Incumbents, and after such Survivors, accruing, or comming into one hand, shall thencefoorth for euer, be, & continue one whole and entire Rectory and Parsonage, or Benefice, according to the vnion and consolidation aforesaid, to such surviuing Parson, and his Successors for euer. And that then, and from thencefoorth, if there be seuerall Patrons of the said Benefices: then by like Commission, as aforesaid, to be sued out of the said Court of Exchequer, at the equall charge of the said Patrons, and directed vnto two, three, or more sufficient persons, a true and perfect valuation

tion

tion, shalbe made of each of the said Parsonages, Vicarages, and Benefices, and if the same appeare to be of equall value, or neare the same, and no one of them to bee full double in value to any one of the rest of them, then the said Patrons, whose Clerke did first dye, shall present to the first avoydance of the said Benefice, and the other Patron to the second, and so afterwards the said Patrons, their Heires, Successors, and Assignes, shall thencefoorth for ever present by turnes. And if it fall out, that any one, or more, of the said united Benefices, prove to be lesse in yearely value, then the fourth part of any other of the said Benefices, that then the patronage of such smaller Benefices, to be extinct, and the sole advouson & advoulons, of the said united and newly consolidated Rectorie, or Benefice, to be & remaine unto the other patron & patrons soly. And if it fall out, that any one, or more, of the said Benefices, (so as aforesaid, united & consolidate in one,) be in yearely value a full fourth part or more, of the greatest of them, but under the yearely value of the moytie thereof, then the Patron of the said greatest Benefice, to have the two presentations unto the said entire, united, and consolidate Benefice; & the patron & patrons of the said lesser Benefices, to have one presentation onely in their severall turnes, in manner & forme, as is above expressed. And that such Commission & Commissions also so executed and returned, as aforesaid, shall be finall and peremptorie, to all and every the Patrons, their Heires, and Successors for ever.

And be it further enacted, as aforesaid, that all & every gifts, grants, alienations, leases, forfeitures, charges, & incumbrances, imposed, layed, or suffered, by any such Minister, Parson, Vicar, or other Beneficer of such Benefice, or by any Parson, Vicar, or Beneficer of any other Benefice, of what nature soever it be, having Cure of Soules within this Kingdome of Ireland, of, or upon his said Benefice, or of, or upon any part thereof, shalbe effectuall and stand in force, for such time onely as such Parson, Vicar, or other Beneficer, shalbe resident upon his said Benefice, without absence from the same, above eightie dayes in any one yeare, and for no longer, further, or other time: And that all Covenants, Bonds, Statutes-Merchant and of the Staple, Recognizances, Judgments, & other assurances whatsoever hereafter to be acknowledged, made, or suffered by any such Beneficer, or collaterally, for, or on his behalfe, for the enioying of the Houses, Lands, Tithes, and other profits, or hereditaments, of such Benefices, or of any part thereof, otherwise, or for any longer or other time, then as aforesaid, or whereby such Beneficer shalbe enforced or compellable to resigne his said Benefice; And likewise all covenants, bonds, and other like assurances, as aforesaid, hereafter to be made, to the intent to force such Beneficer to be resident, for the upholding of any grant, lease, alienation, or charge, made as aforesaid, and allowed to stand in force, during such residence as above is expressed, shalbe

utterly

vtterly voyde in Law, to all and euery intent & purpose whatsoeuer.

Prouided alwayes, that if the Kings Maiesty, his Heires, or Successors, vpon any plantation hereafter to be had and made within this Realme, shall endow any Parson, or Vicar, and their Successors, with any Glebe-Lands, that in such case the Incumbent thereof, for the benefit of the plantation, may by the Licence of the Lord Deputie of this Kingdome, for the time being, and of the priuy Councell here, make any Leases of such Glebe-Lands, whereof they shall vpon such plantation, be newly endowed, not exceeding Twenty one yeares from the time of such endowment made, vnder such rents, and other reseruations, as shall by the Lord Deputie and Councell, be directed.

Lastly, the true intent & meaning of this present Act is, that all and euery the Parsons, Vicars, & other Beneficers, whose estates and liuely-hoods shalbe made, raysed, enlarged, or encreased by the wayes & meanes aforesaid, or by any other good meanes, shall bee subiect vnto, & be charged for the repaire of the Chancells of such Churches, after that the same shall be erected and built.

CAP. III.

¶ An Act for preservation of the Inheritance, rights, and profits of Lands belonging to the Church, and persons Ecclesiasticall.

FOr the preseruation & continuance of all & euery the Manors, Lands, Tenements, Franchises, Liberties, profits, and Hereditaments, vnto the Arch-bishops, Bishops, Deanes, and Chapters of the Cathedrall and Collegiat Churches, Arch-deacons, Prebendaries, & other Dignitaries Ecclesiasticall, Parsons, Vicars, and likewise vnto the Masters, or Gouernours, & Fellowes of Colledges, and Masters, and Guardians of Hospitalls, according to the true intent and meaning of the Originall foundations thereof, without detriment, spoyle, or preiudice.

Bee it enacted by our Soueraigne Lord the King, with the assent of the Lords Spirituall & Temporall, and Commons in this present Parliament assembled, and by authoritie of the same, That all Feoffments, Gifts, Grants, Leases, Alienations, Conveyances, Estates, Charges, & Incumbrances at any time or times from and after the first day of June, now last past, made or done, or to be made, done, committed, or suffered, by any of the said Arch-bishops, Bishops, Deanes, and Chapters, Arch-deacons, Prebendaries, or other the said Dignitaryes Ecclesiasticall, Parsons, Vicars, Masters, & Gouernours, & Fellowes of Colledges, and

and Maſters, Guardians, or other Gouernours of Hoſpitalls, or any of them, of any Manors, Lands, Tenements, or other Hereditaments, (being any parcell of the poſſeſſions, of any ſuch Archbiſhop, Biſhop, Deane, Deane & Chapter, Chapter, Prebend, Dignitary, Parſon, Vicar, Colledge Cathedrall, or Collegiat Church, or Hoſpital, or any wales belonging to the ſame, or to any of them, (other then ſuch Leaſes & Grants, as hereafter in this preſent Act, or in any other Act made, or to be made, in this preſent Parliament, are, or ſhalbe expreſſed, and authorized to be made, ſhalbe vtterly voyde, & of none effect, to all intents, conſtructions, & purpoſes; any law, cuſtome, or vſage, or other thing whatſoeuer to the contrary notwithſtanding.

Prouided alwayes neuertheles, & be it enacted by the authority aforeſaid, That it ſhall, & may be lawfull vnto, & for, all & euery the ſaid Archbiſhops, Biſhops, Deanes, Deanes & Chapters, Archdeacons, Prebendaries, & other the ſaid Dignitaries Eccleſiaſticall, & likewiſe vnto, and for the ſaid Maſters, and Gouernours, & Fellowes of Colledges, & Hoſpitals, to grant any ancient Office, concerning their, or any of their Land, or other their poſſeſſions, or concerning the attendance vpon their perſons or Churches, together with all and euery the like penſions, Annuities, Fees, & other profits as were formerly accuſtomed to be granted, had, and enioyed therewith. And alſo by their writings, indented vnder their reſpectiue Seales of office, (a counter-part whereof ſhall be entred in the reſpectiue Regiſter-Books of the ſaid Arch-biſhops, Biſhops, Deanes, & Chapters, and of the ſaid Colledges, & Hoſpitals, for the benefit of Succeſſion from time to time, to demiſe any the Lands, or other the Hereditaments, belonging to their reſpectiue Churches, Colledges, & Hoſpitalls, the dwelling-houſes for the moſt part of Forty yeares, now laſt paſt vſed, for any of their reſpectiue habitations, and the Demeaſne Lands thereunto belonging, & therewithall during the ſaid time commonly vſed, & occupyed as the Demeaſnes of the ſaid houſes onely excepted, vnto any perſon or perſons, for, & during the tearme of one & twenty yeares, from the time of the making thereof, whereof, or of any part whereof, there ſhalbe no other Leaſe, or Eſtate, then in being, which ſhall not expire or be ended & determined, within the ſpace of one yeare then next comming, vpon which Leaſe and Leaſes, ſhalbee reſerued & continued due & payable vnto the ſaid Leaſſors, & their Succeſſors, during the ſaid Eſtate and tearme of one and twenty yeares, ſo much yearely rent or profits, or more, at the perill of the Leaſſees, who ſhall take the ſame, as the moytie of the true value of the ſaid Lands, or other Hereditaments, (communibus annis) at, or immediatly before the time of the making of ſuch Leaſe, ſhall amount vnto, as the ſame ſhall, or may thereafter appeare either vpon a legall tryall betweene the Succeſſor, or Succeſſors of ſuch Leaſſors, if they ſhall queſtion the ſame. And the

ſaid Leaſſees, or their Aſſignees, by verdict of twelue indifferent perſons at the Common-Law, or otherwiſe, by the certificate of foure or more, honeſt, equall, and indifferent perſons, authorized by Commiſſion vnder the great Seale of this Kingdome, to enquire and finde the ſame, & the ſaid certificate approoued of by the Lord Deputy and Priuy Councell of this Kingdome, for the time being, which verdict or certificate, ſo reſpectiuely made, or giuen, ſhalbe peremptory to both partyes, & their reſpectiue Succeſſors, and Aſſignees, during the ſaid Tearme, in which Leaſes, or any of them, ſhalbe contained no power, liberty, or priuiledge for ſuch Leaſſees, or their Aſſignees, to commit, waſte, or to be diſpuniſhable of waſte.

Prouided neuertheleſſe, that it ſhall and may be lawfull vnto, & for the ſaid Arch-biſhops, Biſhops, Deanes, Chapters, Arch-deacons, Prebendaries, & other the ſaid Dignitaryes Eccleſiaſticall, and their Succeſſors, and vnto the ſaid Maſters, and Gouernours, and Fellowes of Colledges, and Hoſpitalls, and to their Succeſſors, or any of them, by the Licence of the Lord Deputie, or other chiefe Gouernour, or Gouernours of this Kingdome, and Councell of State of this Kingdome, for the time being, to make Leaſes for a longer tearme or time then one and twenty yeares, of any their lands, or grounds fit for the neceſſary building of caſtles, Fortreſſes, or other houſes of ſtrength, in places conuenient & requiſite, for the good of this Realme, & the defence thereof, for ſuch tearme & time, and in ſuch ſort as ſhalbe thought fit, by the Kings Maieſtie, or the Lord Deputie, or other the ſaid chiefe Gouernour or Gouernours of this Kingdome, and Councell of State for the time being. And likewiſe whereas there are, and of late times haue beene ſundry Fee-farmes, and long Leaſes, in being, of diuers Manors, Lands, Tenements, and Hereditaments, formerly belonging to the ſaid Arch-biſhops, Biſhops, Deanes, Chapters, Arch-deacons, Prebendaryes, and other the ſaid Dignitaryes Eccleſiaſticall, Parſons, Vicars, and likewiſe vnto the ſaid Colledges, & Hoſpitalls, That it ſhall and may be lawfull vnto, & for them, and euery of them, for, and in conſideration of the re-aſſignment, ſurrender, and taking in, of any ſuch Fee-farmes, Leaſes, or Eſtates, and vpon further improuement of the yearely rents and profits thereof, to be reſerued and payed to them and their Succeſſors, by and with the licence and approbation of the Lord Deputie, or other chiefe Gouernour, or Gouernours, and Councell of State of this Kingdome for the time being, to make any Leaſe or Leaſes, for the tearme of ſixty yeares, or vnder, of ſuch Fee-farme lands, and of ſuch leaſed lands, for the like tearme, or for fewer yeares, if the ſaid Leaſes in being, were for fewer yeares. And likewiſe that it ſhall and may be lawfull vnto, and for any the ſpirituall perſons, Colledges, and Hoſpitalls, before mentioned by their like writings indented, ſealed, entred, and enrolled, as afore-

ſaid,

ſaid, to make any Leaſe, or Leaſes, for & during the tearme of forty yeares, vnder the like valuable rent, as is afore expreſſed, of all or any their houſes belonging to their Churches, Colledges, or Hoſpitals, and of the Curtilages appertaining to the ſame, which are ſcituate within any City, Towne-Corporate, or Market-Towne of this Kingdome, ſo as the ſame be not of any their mannion or dwelling-houſes, or of any part thereof, or of any the Curtilages, Gardens, or Orchards belonging thereunto.

And bee it enacted as aforeſaid, that all and euery the rents & yearely profits aboue reſerued, or in and by this Act limited and appointed to be reſerued vpon the making of all & euery the Leaſes aboue-mentioned, immediatly from and after ſuch Leaſe and Leaſes, reſeruation and reſeruations made, ſhall by vertue of this Act, continue due, and payable vnto the ſaid Leaſſors, and their Succeſſors, during the ſaid reſpectiue Leaſes and Tearmes, and ſhall by no meanes be alienes, releaſed, or diſcharged, to the preiudice of the Succeſſors of ſuch Leaſſors, or any of them.

Prouided alwayes, that this Act, nor any thing therein contained, ſhall not reſtraine the moſt Reuerend Father in God, Iames, Lord Arch-biſhop of Ardmagh, Primate and Metropolitane of all Ireland, but that hee may make ſuch Leaſes, and for ſuch tearmes as are mentioned in his Maieſties Letters Pattents to him heretofore granted in that behalfe: any thing in this Act contayned to the contrary, notwithſtanding.

CAP. IV.

An Act for the erecting of Houſes of Correction, and for the puniſhment of Rogues, Vagabonds, ſturdy Beggers, and other lewde and idle perſons.

FOr the better ſuppreſſing of Roagues, Vagabonds, and other idle and diſorderly perſons, Be it enacted by our Soueraigne Lord the Kings Maieſtie, and by the Lords Spirituall & Temporall, and by the Commons of this preſent Parliament aſſembled, & by the authority of the ſame, that before the Feaſt of S. Michael the Archangel, which ſhalbe in the yeare of our Lord God, 1636. there ſhalbe erected, built, or otherwiſe prouided within euery County of this Realme of Ireland, one or more fit and conuenient houſe, or houſes of Correction, with conuenient back-ſide thereunto adioyning, together with Mills, working Cards, and other neceſſary Implements, to ſet the ſaid Roagues, and other idle and diſordered perſons on worke. The ſame houſes to bee built, erected, or prouided in ſome conuenient place, or Towne, in

euery County, which houſes ſhalbe purchaſed, conueyed, or aſſured vnto ſuch perſon or perſons, as by the Iuſtices of peace, or the moze part of them, in their Quarter-Seſſions of the peace, to bee holden within euery County of this Realme of Ireland, ſhall bee thought fit; vpon truſt, to the intent the ſame ſhalbe vſed & imployed foz the keeping, cozrecting, and ſetting to wozke of the ſaid Roagues, Vagabonds, Sturdy Beggars, and other idle and diſozdered perſons.

And bee it further enacted by the authozity afozeſaid, That if the ſaid houſe and houſes reſpectiuely ſo to be erected, purchaſed, or pzouided, ſhall not be erected, built, or otherwiſe pzouided, befoze the ſaid Feaſt of S. Michael, that then euery Iuſtice of peace, reſident and dwelling within any County of this Realme, where ſuch houſe and backſide ſhall not be ſo erected and pzouided; ſhall fozfeit foz his neglect, Fiue pounds ſterling, and ſo foz euery yeare which ſhall enſue after the ſaid Feaſt of S. Michael, wherin the ſaid houſe and back-ſide ſhall not be erected and pzouided, euery ſuch Iuſtice of peace, as afozeſaid, ſhall fozfeit Fiue pounds ſterl. the one moytie of the ſaid fozfeitures, to be vnto him or them that will ſue foz the ſame, by Action of debt, bill, plaint, or infozmation, in which ſuit, no pzotection, eſſoyne, or wager of Law ſhalbe admitted, and the other moytie thereof to be imployed and beſtowed towards the erecting, building, pzocuring, or pzouiding the ſaid houſes and back-ſides reſpectiuely, & ſuch neceſſary implements, as afozeſaid.

Be it alſo enacted by the authozity afozeſaid, that the Iuſtices of peace in euery County within this Realme, or the moze part of them, ſhall haue power at any their Quarter-Seſſions of the peace within the ſaid County, to make ſuch ozders as to them, or the moze part of them, from time to time, ſhall be thought fit, foz the rayſing of Money vpon the Inhabitants of the ſaid County, foz erecting, or pzouiding the ſaid houſes, and foz the gouernment and ozdering of the ſaid houſes reſpectiuely, or foz ſtocks of money foz the ſetting to wozke ſuch perſons as ſhalbe committed to the ſame, or foz the yearely payment of ſuch Officers, as hereafter by this pzeſent Act ſhalbe appointed foz Gouernour or Gouernours of the ſaid houſe or houſes, and foz ſuch other as they ſhall thinke neceſſary to be imployed therein: and that the ſaid Iuſtices, at their ſaid Quarter-Seſſions, wherein they ſhall make ſuch ozder foz raiſing of money, as afozeſaid, ſhall then, and ſo yearly afterwards nominate & appoint one able and ſufficient man, inhabiting in the ſaid County, to be and be called the Treaſurer, foz the receiuing & paying out of ſuch Moneyes as ſhalbe collected foz the ſaid houſes, or foz the vſe of them: and the ſaid Treaſurer ſo elected, to continue foz the ſpace of one whole yeare in his office, and then to giue vp his charge, with a due accompt of his receipts and diſburſements at the Quarter-Seſſions, to be holden next after the Feaſt

of

of S. Michael, euery yeare, in the presence of two Iustices of peace, to such other as shalbe from yeare to yeare, successiuely elected treasurer: And if any man chosen as aforesaid, shall refuse to accept or execute the said Office of Treasurership, that then it shalbe lawful for the Iustices of peace in their Quarter-Sessions, or in their defaults for the Iustices of Assize, at the Assizes to bee holden in the same County, to fine the said Treasurer by their discretion, the same fine not to be vnder Three pounds sterling, which shall be levyed by sale of his goods, by vertue of a warrant to be giuen for that end by the said Iustices, to such person or persons, as they shall thinke fit; and which Fine so levyed, to be to the vse, and towards the maintenance of the said house of Correction, &c.

And be it further enacted and established by the authority aforesaid, that the Iustices of peace of euery County within the Realme of Ireland, at their Quarter-Sessions of the peace, to be holden for their seuerall Counties (next after the erecting, prouiding, or building of the said house or houses, and so from time to time) or the most part of them, elect, nominate, and appoint, at their will and pleasure, one or more honest, fit person or persons, to be Gouernour or Master of the said house or houses, so to bee purchased, erected, built, or prouided; which person and persons so chosen by vertue of this present Act, shall haue power and authority to set such Roagues, Vagabonds, idle & disorderly persons, as shalbe brought or sent vnto the said house to worke & labour (being able) from time to time, for such time as they shall continue and be remaining in the said house of Correction, and to punish the said Roagues, Vagabonds, idle and disorderly persons, by putting Fetters, or giues vpon them, and by moderate whipping of them, and that the said Roagues, Vagabonds, and idle persons, during such time as they shall continue and remaine in the said house of Correction, shall in no sort be chargeable to the Country, for any allowance either at their bringing in, or going forth, or during the time of their abode there, but shall haue such and so much allowance as they shall deserue by their owne labour and worke.

And for that it is conuenient that the Masters or Gouernors of the said Houses of Correction should haue some fit allowance & maintenance for their trauaile and care to bee had in the said seruice, as also for the relieuing of such as shall happen to be weake & sick in their custody, Bee it therefore enacted by the authority of this present Parliament, that euery Master or Gouernour of the said Houses of Correction, shall haue such summe of money payde him yearely, as shalbe thought meet by the most part of the Iustices of peace within the said County, at their Quarter-Sessions of the peace: the same to be payde quarterly before-hand, by the Treasurer aforesaid, during the time that the said Masters or Gouernours shall be imployed in the said seruice: The said Master or Gouernour giuing sufficient security for the continuance

and perfoꝛmance of the ſaid ſeruice, which if the ſaid Treaſurer ſhall neglect oꝛ refuſe to perfoꝛme, then the ſaid Maſter oꝛ Gouernour of the ſaid houſe of Coꝛrection, ſhall by Warrant from any two Juſtices of the peace of the ſaid County, leuye ſuch ſumme oꝛ ſummes of money, as ought to be payde to the ſaid Maſter oꝛ Gouernour, by diſtreſſe & ſale of ſo much of the ſaid Treaſurers goods, as the ſaid money which ſhalbe behinde, doth amount vnto, rendꝛing vnto the ſaid Treaſurer the ouer-plus, if any ſhall remaine; and in defect of ſuch diſtreſſe, it ſhalbee lawfull foꝛ any two Juſtices of the peace, as afoꝛeſaid, to commit the ſaid Treaſurer to the County Gaole of the County, there to remaine without baile oꝛ mainpꝛiſe, vntil payment be made of ſuch ſummes as is behind, to the ſaid Maſter oꝛ Gouernour. Pꝛouided alwayes, that befoꝛe any ſuch Warrant bee graunted foꝛ diſtrayning of the ſaid Treaſurers goods, oꝛ committing of his body, that it ſhall appeare befoꝛe the ſaid Juſtices of peace, either by confeſſion of the party, oꝛ by teſtimony of two ſufficient witneſſes, in the pꝛeſence of the Treaſurer, that he hath ſo much money in his hands, appertaining to the ſaid vſes, as may ſatiſfie the ſaid Maſter oꝛ Gouernour.

And becauſe there ſhalbe the moꝛe care taken by all ſuch Maſters of the houſes of Coꝛrection, that when the Country hath bin at trouble and charge, to bꝛing all ſuch diſoꝛderly perſons, as afoꝛeſaid, to their ſafe keeping, that then they ſhall perfoꝛme their duties in that behalfe; be it therefoꝛe enacted by the authoꝛity afoꝛeſaid, that if they ſhall not euery Quarter-Seſſions, yeeld a true and lawfull accompt vnto the Juſtices of peace, of all ſuch perſons as haue bin committed to their cuſtody; oꝛ if the ſaid perſons committed to their cuſtody, oꝛ any of them, ſhalbe troubleſome vnto the Country, by going abꝛoad; oꝛ otherwiſe ſhall eſcape away from the ſaid houſe of Coꝛrection, befoꝛe they ſhalbe from thence lawfully deliuered; that then the ſaid Juſtices ſhal ſet down ſuch Fines and penalties vpon the ſaid Maſters and Gouernoꝛs, as the moſt part of them in their Quarter-Seſſions ſhall thinke fit & conuenient, and all Fines and penalties, not herein befoꝛe limited, ſhalbe payed vnto the Treaſurer, & accompted foꝛ, by the Treaſurer afoꝛeſaid.

And bee it further enacted by the authoꝛity afoꝛeſaid, that the ſaid Juſtices of peace of euery County, oꝛ any two, oꝛ moꝛe of them, twice in euery yeare at the leaſt, & oftner if there be occaſion, ſhall aſſemble and meete together, foꝛ the better execution of this Statute, and that ſome foure oꝛ fiue dayes beforꝛe their aſſembly & meeting, the ſaid Juſtices, oꝛ the moꝛe part of them, ſhall by their Warrant, commaund the Conſtables of euery Barony, Towne, Pariſh, Village, and Hamlet, within the ſaid County, oꝛ ſo many of them, as they in their diſcretions ſhall think fit, which ſhalbe aſſiſted with ſufficient men of the ſame places, to make a generall

priuy ſearch in one night, within their ſaid Baronyes, Townes, Pariſhes, Villages, and Hamlets, for the finding out, and apprehending of the ſaid Roagues, Vagabonds, wandring and idle perſons: and that ſuch Roagues, Vagabonds, wandring and idle perſons, as they ſhall then finde and apprehend in the ſaid ſearch, ſhall by them be brought before the ſaid Juſtices, at their ſaid aſſembly or meeting, there to be examined of their idle and wandring life, there to be puniſhed, according to a Statute made in the 33. yeare of King Henry the eight in this Kingdome, againſt Vagabonds: or otherwiſe by their Warrant, to be ſent or conueyed, vnto the ſaid houſe or houſes of Correction, within the ſaid County, appointed & preſixed, there to be deliuered vnto the Maſter or Gouernour of the ſaid houſe, or to his Deputy or Aſſignee, to be ſet to labour and worke: at which dayes & times of aſſembly, or meeting, ſo to be held by the ſaid Juſtices of the peace, the Conſtables of the ſaid Baronyes, Pariſhes, Townes, Villages, and Hamlets, ſhall then appeare before the ſaid Juſtices of peace, at the ſaid Aſſemblyes or meetings, and there ſhall accompt & reckon vpon oath in writing, what Roagues, Vagabonds, and wandring, & diſorderly perſons, they haue apprehended both in the ſame ſearch, and alſo betweene euery ſuch Aſſemblyes and meetings, and how many haue bin by them puniſhed, or otherwiſe ſent vnto the houſes of Correction, which if the ſaid Conſtables ſhal neglect to performe, as alſo to conuey ſafely all ſuch Roagues, with all other idle or diſorderly perſons, at the charge of the Conſtablewick, as by the Juſtices of peace Warrants, ſhalbe ſent vnto the houſes of Correction in the ſame County: that then they ſhall forfeit ſuch further fines, paines and penalties, as by the ſaid Juſtices of peace, or the moſt part of them, ſhalbe thought fit and conuenient, not exceeding the ſumme of forty ſhillings for euery offence.

And be it further enacted by the authoritie aforeſaid, That all perſons, calling themſelues Schollers, going about begging, all idle perſons going about in any Countrey, either begging, or vſing any ſubtile craft, or vnlawfull games or playes, or faigning themſelues to haue knowledge in Phiſiognomie, Palmeſtry, or other like crafty Science, or pretending that they can tell Deſtinyes, Fortunes, or ſuch other like phantaſticall imaginations, all perſons that be, or vtter themſelues to be Proctors, Procurers, Patent-gatherers, or Collectors for Gaoles, Priſons, or Hoſpitals: All Fencers, Beare-wards, Common-players of Enter-ludes, & Minſtrels wandring abroad; all Juglers, all wandring perſons, and common-labourers, being perſons able in body, vſing loytering, & refuſing to worke for ſuch reaſonable wages, as is tared & commonly giuen in ſuch parts, where ſuch perſons doe, or ſhall happen to abide or dwell, not hauing liuing otherwiſe to maintaine themſelues, all perſons deliuered out of Gaoles, that beg for their Fees, or otherwiſe trauaile begging, all ſuch as ſhall wander abroad,

abroad, pretending losse by fire, or otherwise, all such as wandring, pretend themselues to bee Egyptians, or wander in the habite, forme, or attire of counterfeit Egyptians, shalbe taken, adiudged, and deemed Roagues, Vagabonds, and sturdy beggars, & shall sustain such punishments, as are appointed by a statute made 33. of King Henry the eight, chap. 15. in this kingdome, against Vagabonds, or be otherwise dealt withall, by sending them to the house of Correction in the County where they shalbe found, as to the Justices of peace of the said County, or to any one, or more of them, shalbe thought fit.

And for that many wilfull people, finding that they hauing Children, haue some hope to haue reliefe from the Parish wherein they dwell, and being able to labour, and thereby to relieue themselues and their families, doe neuertheless run away out of their Parishes, and leaue their families vpon the Parish: For remedie whereof, bee it enacted by this present Parliament, and the authority of the same, that all such persons so running away, shalbe taken, and deemed to bee incorrigible Roagues, and endure the paines of incorrigible Roagues, and if either such man or woman being able to worke, and shall threaten to run away & leaue their families, as aforesaid, the same being proued by two sufficient witnesses, vpon oath, before two Justices of peace, in the County where they dwell, or whither they run: That then the said person so threatning, shall by the said Justices of peace, be sent to the houses of Correction, vnlesse he or she can put in sufficient sureties for the discharge of the Parish, there to be dealt with, and detained as a sturdy and wandring Roague, and to be deliuered by the said Justices, at any of their meetings, or at their Quarter-Sessions, and not otherwise.

And be it further enacted, that if any action of trespasse, or other suit, shall happen to be attempted and brought against any person or persons, for taking of any distresse, making of any sale, or any other thing doing, by authority of this present Act, the Defendant or Defendants, in any such Action or Suit, shall and may either plead not guilty, or otherwise make abowry, cognizance, or Justification, for the taking of the said distresses, making of sale, or other thing doing, by vertue of this Act, alleadging in such abowry, cognizance, or Justification, that the said Distresse, Sale, Trespasse, or other thing whereof the plaintiff or plaintiffs complained, was done by authority of this Act, and according to the tenor, purport, and effect of this Act, without any expressing or rehearsall of any other matter of circumstance, contayned in this present Act; To which abowry, cognizance, or iustification, the Plaintiff shall be admitted to reply, that the Defendant did take the said Distresse, made the said Sale, or did any other Act or Trespasse, supposed in his Declaration of his owne wrong, without any such cause alleadged by the Defendant, whereupon the issue in euery such action

ction ſhalbe ioyned, to be tryed by verdict of twelue men, and vpon the tryall of that iſſue, the whole matter to bee giuen on both parties in euidence, according to the very truth of the ſame, and after ſuch iſſue tryed for the Defendant, or non-ſuite of the Plaintiffe, the ſaid Defendant ſhall recouer treble damages, by reaſon of his wrongfull veration in that behalfe, with his coſts alſo in that part ſuſtained, and that to be aſſeſſed by the ſame Jury, or by writ to inquire of damages, as the ſame cauſe ſhall require.

And bee it further enacted by the authority aforeſaid, that the Juſtices of Aſſiſe in their ſeuerall Circuites, ſhall haue power to enquire of all defects, defaults and negligences of any Juſtice of peace, or any other Officer, perſon or perſons whatſoeuer, in the not due execution of this Law, and alſo of all offences done, contrary to the intent and true meaning thereof, and to puniſh the ſame by fine or impriſonment, or otherwiſe, according to their diſcretions.

CAP. V.

An Act for Keepers of Ale-houſes to be bound by Recognizance.

FOraſmuch as it is found by daylie experience, that many miſchiefes and inconueniencies doe ariſe from the exceſſiue number of Ale-houſes, from the erection of them in Woods, Boggs, & other vnfit places, and many of them not in Towne-ſhips, but diſperſedly, and in dangerous places, and kept by vnknowne perſons not vnder-taken for, whereby many times they become receptacles for Rebels, and other malefactors, & harbours for Gamſters, and other idle diſordered and vnprofitable liuers, and that thoſe that keepe thoſe Ale-houſes for the moſt part, are not fitted or furniſhed to lodge or entertaine trauellers in any decent manner: For the redreſſe of thoſe inconueniences, & many other miſchiefes daylie obſerued to grow by the courſe now held, and to reduce thoſe needleſſe multitudes of Ale-houſes, to a fewer number, to more fit perſons, and to more conuenient places, Be it enacted by the Kings moſt excellent Maieſtie, with the aduice of the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner of perſon whatſoeuer, ſhall keep any Ale houſe, or Tipling-houſe, nor ſell any Ale or Beere by retayle, within this Kingdome, but onely ſuch as ſhalbe licenced, according to the true meaning of this Act, & vpon ſuch paine as heerein after is expreſſed. And that euery perſon ſo to be licenced, ſhall vpon receipt of his Licence, pay to his Maieſtie, Fiue ſhillings ſix pence, current

money of and in England, for euery yeare that he shall stand, or be so licenced. And for that no Licences can be granted but by some persons to be sufficiently authorized; It is therefore enacted, that Commissions shall from time to time be awarded vnder his Maiesties great Seale, into euery County of this Kingdome, to a conuenient number of Commissioners, some of the chiefe to bee of the Quorum, to be nominated by the Lord Deputie, or other chief Gouernour or Gouernours of this Kingdome, with the consent of the Councell for the time being, the said Commissioners to be chosen of the Justices of the peace, with such others to be added vnto them, as the Lord Deputy, or other chiefe Gouernour, or Gouernours, and Councell of this Kingdome for the time being, shall thinke fit; of which Commissioners, the Custos Rotulorum in euery Countie, to be alwayes one, and one of the Quorum; which Commissioners shall consider aswell of the number fit to be allowed for keeping Ale-houses, as of the places where the same shall be kept, and of the abilitie and sufficiencie of the persons that shalbe licenced to keep the same; which said Commissioners, or two of them at the least (whereof one to bee of the Quorum) shall within one moneth after Easter yearely, assemble at the Quarter-Sessions, or some other known places within the limits of their Commissions, and then & there shall make choyce of such persons, whom (aswell for their good behauiour, as for their abilities, and conueniencie of houses, furniture, & places of dwelling) they shall know, or be credibly informed to be the fittest to keep Ale-houses, taking alwayes speciall care, that such as they shall licence, be persons of good behauiour & repoyt, able to entertaine trauellers; & that their dwellings be in conuenient places, as in market Townes, in Villages on Road-wayes, in Townes wherein are Parish Churches, and not in Boggs, or Woods, or other vnfit places. And that the same Commissioners, or any two of them, (so one bee of the Quorum) shall licence such persons to keep Ale-houses for one yeare following the making of such Licence, & no longer: And that the party so licenced, shall immediatly enter into Recognizance, with a good surety to his Maiesties vse, of Ten pounds sterling, before the said Commissioners, by whom he shall be so licenced: The condition of which Recognizance shalbe, that the partie so licenced, shal obserue the Assize of Bread, and Ale, and Beere, and shall sell the same and all other Victuals & Prouisions for Trauellers and Strangers, at reasonable rates, and shall not make or vtter any vnholesome Bread, Beere, Ale, or Victualls, and shall keepe two Beds at the least, well & conueniently furnished for the lodging of Strangers, & not to vse or suffer any drunkennesse, or excessiue drinking, or any common diceing, or carding, or other vnlawfull Games, & to keepe good order and rule in his, or their houses, nor willingly to harbour any suspected persons, or any of ill behauiour, or any of the neighbours seruants, during the time of their Licences, & not

to

to harbour any ſtranger in his, or their houſes (vnleſſe in caſe of ſickneſs, or other reaſonable cauſe) aboue foure & twentie houres. The ſaid Licences to be made, and the ſaid Recognizances to bee acknowledged at the publique Seſſions, or other meetings of the ſaid Commiſſioners for that purpoſe, and not otherwiſe. And that the ſaid Commiſſioners by their ſaid Commiſſions, ſhalbe eſpecially authorized, aſwell to take the acknowledgment of the ſaid Recognizances to his Maieſties vſe, as to make the ſaid Licences. And that euery ſuch Ale-houſe keeper, ſhall pay to his Maieſties vſe, the ſaid fiue ſhillings ſixe pence, current money of and in England, and no more, to the hands of a Collector, to be appointed for that purpoſe, by the Cuſtos Rotulorum in euery County; of which Collector, the Cuſtos Rotulorum is to take good bonds, & returne them to the Exchequer, the ſame fiue ſhillings ſix pence to be payd before the perſon ſo to be licenced, take out his Licence: And that the Collector aforeſaid, ſhall attend euery Commiſſion and Seſſion of the ſaid Commiſſioners, aſwell to make Licences and Recognizances, and to enter the names of all ſuch as ſhalbe licenced, & the ſaid Recognizances into a faire Booke: As alſo to receiue ſuch moneyes as ſhall accrew out of the ſaid Licences vnto his Maieſtie, and the ſeuerall ſummes thereof likewiſe to enter into the ſaid booke, which booke, and euery Recognizance entred therein, at the end of euery ſitting, ſhalbe ſigned by the hands of two of the Commiſſioners at the leaſt (whereof one to be of the Quorum) and ſhall be returned, together with ſuch money as ſhalbe receiued in the Exchequer, before the end of Eaſter Tearme yearely, by the ſaid Commiſſioners. And if the ſaid Commiſſioners, or any of them, or the ſaid Collector ſhall conceale the names of any perſon or perſons ſo licenced, or any ſumme or ſummes of money receiued for the ſame, or any of the ſaid Recognizances, the party ſo offending, ſhall ſuffer ſuch fine, impriſonment, or otherwiſe, as his offence ſhal deſerue.

And bee it further enacted by the authority aforeſaid, that no perſon (after one moneth after the end of this Seſſion of Parliament, ſhall preſume to keep any Common Ale-houſe, or Tipling-houſe, or to vſe common ſelling of Beere or Ale by retayle, without Licence, vpon paine that euery perſon offending herein, ſhall ſuffer ſuch puniſhment by fine, impriſonment, or otherwiſe, as his offence ſhall deſerue: And that the ſaid Collector ſhall neither directly, nor indirectly, exact, take, or receiue of any perſon to be licenced, as aforeſaid, any ſumme of money, fee, or reward for the ſaid Recognizance, Licence, or Acquittance, other then the ſaid fiue ſhillings ſix pence for his Maieſties vſe, as aforeſaid, for keeping an Ale-houſe, or Tipling-houſe, commonly ſelling Ale, or Beere, by retayle, without Licence, vpon paine of ſuch puniſhment, as aforeſaid, and ſhall alſo be put from his office: And that none of the ſaid Commiſſioners, ſhall either directly, or indirectly, take any

ſumme of money, fee, or reward, of any of the ſaid Ale-houſe-keepers, for & concerning the obtayning of his Licence, vpon paine that he or they ſo offending, ſhalbe puniſhed as aforeſaid.

Prouided alwayes, that ſuch perſons as ſhall ſell Ale or Beere onely in places where the Generall Aſſizes, or the Quarter Seſſions ſhalbe kept, during the time of the Aſſize or ſeſſiõs, or at Faires during the time of the Faires, ſhal not be impeached for keeping the ſame without Licence. And we doe further order & eſtabliſh, that euery Collector to be appointed, as aforeſaid, ſhall haue for his labour in the execution of the ſaid office, ſixe pence Engliſh out of euery Licence per annum, to be payd him out of the ſaid fiue ſhillings ſix pence, to be receiued for Licences, as aforeſaid: and the ſame to be allowed him vpon his Accompts, which Accompts are to be taken without payment of any Fees, which allowance of ſix pence Engliſh yearely out of euery Licence, is intended onely for the firſt yeare, and after the firſt yeare, the ſame to be either moderated, continued, or advanced higher, as the Lord Deputy, or other chiefe Gouernour & Councell for the time being, ſhall finde to bee moſt conuenient for his Maieſties ſeruice. And that euery one ſo to be licenced, ſhall haue ſome ſigne, ſtake, or buſh at his dooze, to giue notice vnto ſtrangers & trauellers, where they may receiue intertainment of meat, drinke, and lodging, for their reaſonable money.

And be it further enacted by the authority aforeſaid, that in caſe any perſon or perſons whatſoeuer, ſhall preſume to offend contrary to the intention of this Act, or ſhall incurre any forfeiture or penalty therein mentioned, that euery ſuch perſon or perſons ſo offending, ſhalbe proceeded againſt, & puniſhed, either before the Lord Deputie, or other chiefe Gouernour or Gouernours & the Councell of Eſtate here for the time being, or in his Maieſties Court of Exchequer, or before the Juſtices of Aſſize, at their generall Aſſize, (who ſhall haue full power and authoritie to heare and determine the ſame) by all ſuch wayes, and in ſuch manner and forme, as to each of them reſpectiuely in their diſcretions ſhalbe thought fit, aſwell for puniſhment of the offendors by fine and impriſonment, or otherwiſe, as alſo for reducing them to obedience and conformitie.

And be it further hereby declared, that his Maieſtie in his abundant care of the good and quiet of his Subiects, hath reſolued not to intereſt any priuate perſon whatſoeuer in this particular, or in the profite which ſhall ariſe thereby; but intendeth to retaine the ſame in his owne hands, and that the ſame ſhalbe wholly managed by his Maieſtie, and by his Miniſters, for the publique good, and the better gouernment thereof, that ſo his Maieſties Subiects may take notice of his gracious care & reſpect of their good and quiet, and that all thoſe whoſe ſeruices ſhalbe neceſſary herein, may the more induſtriouſly labour in the performance of their duties, which as it ſhalbe taken in good part at their hands:

So

So on the other ſide, thoſe who ſhalbe found remiſſe and negligent herein, may expect due puniſhment to be inflicted on them.

And be it further enacted by the authoritie aforeſaid, That this preſent Act ſhalbe publiſhed and made knowne vnto the people by publique Proclamation in euery market Towne.

CAP. VI.

An Act for Repeale of divers Statutes heretofore enacted in this Kingdome of Ireland.

WHereas diuers Statutes of force within this Kingdome, are now by reaſon of the bleſſed change of times, growne out of vſe, and many of them not fit to be continued, as not ſorting with the condition of the preſent times, and the happy gouernment vnder which the Subiects of this Kingdome doe liue. And that after ſo long a quiet among his Maieſties Subiects thereof, whoſe zeale to his Maieſties ſeruice is manifeſted vpon all occaſions, any Nationall diſtinction or difference betweene them, might proue dangerous for the abolition of diſtinction and difference betweene his Maieſties ſaid dutifull Subiects of his ſaid Realme of Ireland.

And for the perpetuall ſettling of peace and tranquillity among them, his moſt excellent Maieſtie intending the common and conſtant good of his ſaid Realme of Ireland, and of his Subiects of the ſame, and of their poſterity for euer hereafter: & at the humble deſire of his ſaid Subiects, is graciouſly pleaſed, that it may bee enacted by his Maieſtie, and the Lords Spirituall & Temporall, and the Commons in this preſent Parliament aſſembled, & be it enacted by the authority of the ſame, that one Statute made in this Realme of Ireland, in the fine and twentieth yeare of the raigne of the late King Henry the ſixth, late King of England, and Lord of Ireland, whereby it is ordayned, that he that wilbe taken for an Engliſh man, ſhall not vſe a Beard vpon his vpper lippe alone, the Offendor ſhalbe taken as an Iriſh Enemy. And one other Statute made in the ſaid Realme, in the ſaid fine and twentieth yeare of the raigne of the ſaid late King Henry the Sixth, whereby it is ordayned, that if any Iriſh enemy, receiued to the Kings alleageance, ſhalbe found after to robbe, ſpoyle and deſtroy the Liege people, it ſhalbe lawfull for euery Liegeman, to doe with him and with his goods, as to a man that neuer was become Liege. And one other Statute made in the ſaid Realme, in the ſaid fine and twentieth yeare of the raigne of the ſaid late King Henry the ſixth, againſt clipped money, money called O Reylies money, and other vnlawfull money, and againſt guilt Bridles, Peytrells,

trells, and other guilt Harnyes. And one other Statute made in the ſaid Realme, in the eight and twentieth yeare of the raigne of the ſaid late King Henry the ſixth, that no Merchant, nor other man, ſhall keepe more Horſemen or Foot-men then they ſhall anſwere for, and maintaine vp on their owne charges, & their Tenants, & for preſenting the names of their men: And that none ſhall take Coynee, Cuddyes, or night Suppers, nor ſhall take pledge for them, the Offendors ſhall bee Fellons. And one other Statute made in the ſaid Realme, in the three and thirtieth yeare of the raigne of the ſaid late King Henry the ſixth, that euery man ſhall anſwere for his Son and waged men. And one other Statute made in the ſaid Realme of Ireland, in the fift yeare of the raigne of the late King Edward the fourth, late King of England, & Lord of Ireland, that it ſhalbe lawfull to kill any that is found robbing by day or by night, or going or comming to robbe or ſteale in the Countie of Meath, hauing no faithfull man of good name or fame in his or their Company in Engliſh apparell. And one other Statute made in the ſaid Realme of Ireland, in the 10. yeare of the raigne of the late King Henry the 7. late King of England, and Lord of Ireland. whereby it is enacted, that one borne within the Realme of England, to be Conſtable of the Caſtle of Dublin, Tryme, Lerlipo, Athlone, Wicklowe, Green-caſtle, Carlingford, and Carigfergus. And one other Statute made in the ſaid Realme of Ireland, in the eleuenth yeare of the raigne of the late Queene Elizabeth, for the limitation of tanning of Lether. And one other Act made in the ſaid Realme, in the ſaid eleuenth yeare of the ſaid Queene Elizabeth, That fiue perſons of the beſt and eldeſt of euery Nation amongſt the Iriſhry, ſhall bring in all the idle perſons of their Surname, to be iuſtified by Law, be from henceforth vtterly repealed, and made voyde, and of none effect, to all intents, conſtructions, and purpoſes.

CAP. VII.

¶ An Act of explanation of a Statute made in this Realme, in the eighteenth yeare of the raigne of the late King *Edward* the fourth, intituled an Act whereby diſtreſſes taken for rent, may be ſolde.

WHereas at a Parliament holden in this Kingdome in the eighteenth yeare of the raigne of the late King Edward the fourth, late King of England, and Lord of Ireland, It was ordayned & accorded by authority of that Parliament, that when any Lord thenceforth ſolde, take any diſtreſſe, if the diſtreſſe be not quitt within eight dayes after the taking, that then it ſhalbe lawfull

full to the Lord to call before him or his Officer, foure men of the ſame Lordſhip, and to make them ſweare before him or his Seneſchall, or his receiuer, vpon a booke, to prayſe the diſtreſſe or diſtreſſes ſo taken. And if he from whom the diſtreſſe is taken, doe not come within other eight dayes after the prayſement, and pay his duty, or make no agreement with his Lord, or his Officer, then the Lord to take it, as it is prayſed, for his rent, with his damages. And if the diſtreſſe be better then the Rent with the Arrerages, the Lord to reſtore the ſurpluſage vnto the Tenant. And if it be of leſſer price then the value of the Rent, with the Arrerages, the Tenant to pay the ſurpluſage, or to be againe diſtrayned.

And foraſmuch as diuers doubts & ambiguities did, and dayly doe ariſe, whether the ſaid Statute can extend vnto any, but vnto very Lord, and very Tenant; be it therfore enacted by the Kings moſt excellent Maieſtie, and the Lords Spirituall and Temporall, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, that all and euery perſon & perſons, bodies politique and corporate, & other perſons whatſoeuer, who is, or are, or hereafter ſhalbe ſeized in Fee, or Fee tayle, generall or ſpeciall, or as Tenant after poſſibility of iſſue extinct, or as Tenant for life or liues, in dower, or by the curteſie of England, or of any other Eſtate of Free-hold, or that now is, or are, or hereafter ſhalbe poſſeſſed as of an eſtate for yeares, garden in Chiualry, or Socage, or as Tenant by Elegit, Statute Merchant, or Statute Staple, or of any other Eſtate for yeares, or Eſtate equiualent thereunto, of any Honors, Caſtles, Lands, Tenements, or other Hereditaments whatſoeuer: and alſo all and euery Grantee and Grantees, of any one or more rent or rents charge, and the Heires, Succeſſors, and Aſſignes of euery ſuch Grantee or Grantees, and euery other perſon and perſons whatſoeuer, ſhall and may from henceforth diſtraine for their, and euery of their Rents, Cuſtomes, Duties, and ſeruices to them and euery of them reſerued, or to be reſerued or due, and payable, and for which it is, or ſhalbe lawfull to diſtraine by the Law of this Realme, for, or out of any Honors, Caſtles, Manors, Lands, Tenements, & Hereditaments whatſoeuer, that it ſhall and may bee lawfull for all and euery the ſaid perſon & perſons, bodies politique & corporate, & to the ſaid Grantee or Grantees, his & their Heires, Succeſſors, and Aſſignes, to impound, appraiſe, ſell, and otherwiſe to vſe, diſpoſe of, & conuert to his, or their vſe, the ſaid diſtreſſes to be taken, as aforeſaid, as aforeſaid, as in caſe betweene very Lord and very Tenant, ſhould be lawfull either by the Statute before-mentioned, or by any other Law or Statute whatſoeuer.

Prouided alwayes, and be it further enacted by the authority aforeſaid, that the ſaid appraiſement bee made vpon oath by foure or more honeſt and diſcreet perſons of the ſame Pariſh, where the ſaid diſtreſſe ſhall be taken in the ſame manner, as the

ſame

ſame hath beene done by foure perſons of the Lordſhip, in caſe betweene very Lord, and very Tenant: the ſaid oath to be adminiſtred by the partyes diſtrayning, or by their Seneſchall, Bayliffe, or Receiuer.

CAP. VIII.

An Act to give coſts to the Defendant upon a Non-ſuite of the Plaintiffe, or a verdict againſt him.

FOr the further diſcouraging of vniuſt vexations of his Maieſties Subiects of this Realme, by bringing againſt them friuolous and vniuſt Suits; Be it enacted by the Kings moſt excellent Maieſtie, the Lords Spirituall and Temporall, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons, at any time after the end of this preſent Seſſion of Parliament, ſhall commence or ſue in any Court of Record, or in any other Court, any Action, Bill, or plaint of Treſpaſſe, of Ejectione firmæ, or any other Action whatſoeuer, wherein the Plaintiffe or Demaundant might haue coſts, (if in caſe Iudgment ſhould bee giuen for him) And the Plaintiffe or Plaintiffes, Demandant or Demandants, in any ſuch Action, Bill or Plaint, after apparance of the Defendant or Defendants, bee Non-ſuited, or that any verdict happen to paſſe by any lawfull tryall againſt the Plaintiffe or Plaintiffes, Demandant or Demandants in any ſuch Action, Bill, or Plaint: Then the Defendant and Defendants in euery ſuch Action, Bill or Plaint, ſhall haue Iudgment to recouer his Coſts againſt euery ſuch Plaintiffe and Plaintiffes, Demandant & Demandants, to be aſſeſſed, taxed and levyed in manner & forme, as Coſts in other Actions are to be aſſeſſed, taxed, & levyed, in and by an other Law made in this preſent Parliament: Prouiding that the Defendant ſhall recouer Coſts in certaine Actions therein named, where the Plaintiff ſhould become Non-ſuite, or a Verdict ſhould be had againſt him.

CAP. IX.

¶ An Act for the limiting of Peremptory challenges in caſes of Treaſons and Felonies &c.

FOr the more ſpeedy Tryall of Traytors and Fellons, be it enacted by our Soueraigne Lord the Kings Maieſtie, the Lords Spirituall and Temporall, and Commons in this preſent Parliament aſſembled, & by the authority of the ſame, That from and after the end of this preſent Parliament, no manner of perſon or perſons whatſoeuer, that ſhalbe arraigned for any offence or offences of high Treaſon, Petty Treaſon, Murder, Manſlaughter, or of any other fellonie whatſoeuer, ſhalbe admitted to challenge Peremptory aboue the number of twentie ſuch perſons, as ſhalbe returned for the tryall of the ſaid offendors, or any of them. And if in caſe any the offendor or offendors aforeſaid, vpon his or their Arraignment, or Tryall, ſhall challenge peremptory aboue the number aforeſaid, That then the Juſtice or Juſtices, Commiſſioner or Commiſſioners, and all and euery other perſon and perſons, which ſhall haue power and authority for the Tryall of ſuch offendor or offendors, ſhall and may proceede to giue ſuch Judgment and Judgments, againſt ſuch offendor and offendors, and award ſuch Execution & Executions vpon the ſame, as hee or they, ſhould, might, or ought to haue done, if the ſaid offendor or offendors, had challenged Peremptorily the number of ſixe & thirty or more, before the making of this Statute: any Law, Statute, Cuſtome, or vſage to the contrary in any wiſe notwithſtanding.

CAP. X.

¶ An Act to prevent and puniſh the abuſes in procuring Proceſſe and Super-ſedeas of the Peace, and good behaviour, out of his Maieſties Courts of Chancery, & Kings Bench, and to prevent abuſes in procuring Writs of *Certiorari* &c.

WHereas diuers turbulent and contentious perſons, ſome out of malice, and others in hope of gaine, by way of compoſition, doe oftentimes vpon their corporall oathes, peremptorily and corruptly taken, or otherwiſe vpon falſe ſuggeſtions & ſurmiſes, procure proceſſe of the peace, or good behauiour, out of his Maieſties Courts of Chancery, and Kings Bench, againſt diuers

of his Maieſties quiet Subiects, whoſe dwellings & aboades are for the moſt part, in Countreyes farre diſtant and remote from the ſaid Courts, to their intollerable trouble and veration, whereas they might vpon good cauſe ſhewed, receiue Juſtice at the hands of the Juſtices of the peace, in the Countyes where they dwell.

For remedy whereof, be it enacted by the authority of this preſent Parliament, That all proceſſe of the Peace, or good behauiour, after the end of this Parliament, to be granted or awarded out of the ſaid Courts, or either of them, againſt any perſon or perſons whatſoeuer, at the ſuite of, or by the proſecution of any perſon or perſons whatſoeuer, ſhalbe voyde, and of none effect, vnleſſe ſuch proceſſe ſhalbe ſo granted or awarded, vpon motion firſt made, before the Judge or Judges of the ſame Courts reſpectiuely, ſitting in open Court, and vpon declaration in writing, vpon their corporall oathes, to be then exhibited vnto them, by the parties which ſhall deſire ſuch proceſſe of the cauſes, for which ſuch proceſſe ſhalbe granted, or awarded, by, or out of any the ſaid Courts reſpectiuely, & vnleſſe that ſuch motion & declaration, bee mentioned to be made, vpon the back of the writ, the ſaid writings there to be entred, & remaine of Record. And that if it ſhall afterwards appeare vnto the ſaid Courts, or either of them reſpectiuely, that the cauſes expreſſed in ſuch writings, or any of them be vntrue, that then the Judge or Judges of the ſaid Courts, or either of them reſpectiuely, ſhall & may award ſuch Coſtes & damages, vnto the parties grieued, for their, or any of their wrongfull exactions on that behalfe, as they ſhall thinke fit. And that the party or partyes ſo offending, ſhall and may be committed to priſon by ſuch Judge or Judges, vntill he or they pay the ſaid coſts and damages. And whereas diuers turbulent & contentious perſons, deſeruedly fearing to be bound to the peace or good behauiour, by the Juſtices of Peace of the Counties where they dwell, doe often times procure themſelues to be bound to the peace, or good behauiour in the ſaid Courts, or one of them, vpon inſufficient ſureties, or vpon colourable proſecution of ſome perſon or perſons, who wilbe ready at all times to releaſe them at their owne pleaſure, whereupon his Maieſties writs of Superſedeas are often-times directed to the Juſtices of Peace, & other his Maieſties Officers, requiring them and euery of them, to forbeare to arreſt or impriſon the parties aforeſaid, for the cauſes aforeſaid; by meanes whereof, the ſaid turbulent & contentious perſons, miſdemeane themſelues amongſt their neighbours, with impunitie, to the great offence & diſturbance of their neighbours, amongſt whom they converſe and liue, and to the affront of the Juſtices of Peace, and to the euill example and incouragement, of like euill diſpoſed perſons.

Bee it therefore enacted by the authoritie aforeſaid, that all writs of Superſedeas, after the end of this preſent Parliament to be granted by, or out of either of the Courts aforeſaid, ſhalbe voyd

and

and of none effect, vnleſſe ſuch proceſſe bee granted likewiſe vpon motion in open Court, firſt made as aforeſaid, and vpon ſuch ſufficient ſureties, as ſhall appeare vnto the Judge or Judges of the ſame Court reſpectiuely, vpon oath to bee aſſeſſed at fiue pounds lands, or ten pounds in goods in the Subſidie booke at the leaſt, which oathes, and the names of ſuch ſureties, with the places of their abode, & where they ſtand ſo aſſeſſed in the Subſidie booke, ſhalbe entred & remaine of Record in the ſame Courts: And vnleſſe it ſhall alſo firſt appeare vnto the ſaid Judge or Judges from whom ſuch Superſedeas is deſired, that the proceſſe of the Peace, or good behauiour, is proſecuted againſt him or them, deſiring ſuch Superſedeas bona fide by ſome party grieued in that Court; out of which, ſuch Superſedeas is deſired to be ſo awarded and directed.

And whereas diuers lewde and euill-diſpoſed perſons, commonly called Common Baylers, or Knights of the Poſte, being baſe and beggerly perſons, doe oftentimes procure themſelues to be aſſeſſed at high Rates in the Subſidie-booke, and ſometimes do falſely take vpon them, the names of other men, of good abilitie, of purpoſe to enable themſelues to be accepted for Bayle; which perſons being of ſmall, or no abilitie or worth, are ready for lucre and gaine, to become bound by Recognizance, as ſureties for ſuch perſons as ſhall procure themſelues to be bound to the peace or good behauiour, as aforeſaid. By meanes whereof, the Judge or Judges of the ſaid Courts, not knowledging them, may be eaſily abuſed, and iuſtly deluded.

Bee it therefore enacted by the authority aforeſaid, that the Judge or Judges of the Courts aforeſaid, reſpectiuely, or either of them, vpon proofe of any of the miſdemeanors aforeſaid, to bee committed in the obtayning of the aforeſaid Writs of Superſedeas. or procuring ſuch ſuretie, as aforeſaid, ſhall and may likewiſe puniſh the falſe and inſufficient ſureties, & Baylers aforeſaid, and the procurers thereof; according to their diſcretions, ſo as ſuch puniſhment extend not to the loſſe of life or member.

And whereas diuers Bills of Indictment of Ryots, forceable Entry, or of aſſault and battery, or other treſpaſſes, being found before the Juſtices of Aſſiſe, at the generall Aſſiſes, or before the Juſtices of Peace, at their Quarter-Seſſions of the Peace, or otherwiſe, are often-times remoued from the Counties where ſuch Indictments are found by Writs of Certiorari vnto them directed out of the ſaid Courts, by or by the meanes of the perſons ſo indicted, who well know that few or no perſons grieued by ſuch their out-rages & miſdemeanors, whereof they ſtand ſo indicted, will vnder-goe the trauaile or charge of proſecution of ſuch Indictments ſo remoued, by bringing the parties ſo indicted, to tryal, by meanes wherof ſuch offendors for the moſt part eſcape vnproſecuted & vnpuniſhed, & the King looſeth the fines which ought & ſhould haue bin impoſed vpon the, if ſuch indictments had bin pro-

ſecuted, and not remooued.

Bee it therefore enacted, that all ſuch Writs of Certiorari, ſhall from and after the end of this preſent Parliament, be deliuered at the Generall Aſſiſes, or at ſome Quarter-Seſſions of the Peace reſpectiuely in open Court, and that the parties indicted, ſhall before the allowance of ſuch Certiorares, become bound vnto ſuch perſon or perſons, which ſhall proſecute ſuch Bills of Indictment againſt them, in the ſumme of ten pounds, with ſuch ſufficient ſureties, as the Juſtices of Aſſiſes, at the generall Aſſiſes, or Juſtices of Peace at their ſaid Quarter-Seſſions of the Peace, ſhall thinke fit, with condition to pay vnto the ſaid proſecutors of ſuch Bills of Indictment, within one moneth after the conviction of ſuch parties indicted, ſuch reaſonable coſts & damages, as the Juſtices of Aſſiſe, or Juſtices of Peace of ſuch Counties where ſuch Bills of Indictment ſhall be found in the generall Aſſiſes or Seſſions of the peace reſpectiuely ſhall aſſeſſe, or allow, and that in default thereof it ſhalbe lawfull for the ſaid Juſtices of Aſſiſe, and Juſtices of the Peace reſpectiuely, to proceede to tryall of ſuch Indictments, any ſuch Writs of Certiorari to remoue the ſame Indictments notwithſtanding.

CAP. XI.

An Act for the eaſe of the Subiect concerning Informations upon penall Statutes.

VVHereas the offences againſt diuers and ſundry penall Lawes and Statutes of this Realme, may better and with more eaſe, and leſſe charge to the Subiect, bee commenced, ſued, informed againſt, proſecuted & tryed in the Countyes where ſuch offences ſhalbe committed. And whereas the poore Commons of this Realme are grieuouſly charged, troubled, vexed, moleſted, & diſturbed by diuers troubleſome perſons, commonly called Relators, Informers, and Promoters, by proſecuting & informing them to appeare in his Maieſties Courts at Dublin, and to anſwere offences, ſuppoſed by them to bee committed againſt the ſaid penall Lawes and Statutes, or elſe to compound with them for the ſame.

For remedy whereof, be it enacted by the authority of this preſent Parliament, that all offences hereafter to bee committed againſt any Penall Statute, for which any common Informer or Promoter, may lawfully ground any popular Action, bill, plaint, ſuite, or information, before Juſtices of Aſſize, Juſtices of Niſi prius, or Gaole-deliuery, Juſtices of Oyer and Terminer, or Juſtices of the Peace, in their Generall or Quarter-Seſſions, ſhall after

after the end of this present Session of Parliament bee commenced, sued, prosecuted, tryed, recouered, and determined by way of Action, Plaint, Bill, Information, or Indictment, before the Iustice of Assise, Iustices of Nisi prius, Iustices of Oyer and Terminer, and Iustices of Gaole-deliuery, or before the Iustices of Peace of euery County, Citty, Burrough, or Towne Corporate, and liberty; hauing power to enquire of, heare, and determine the same within this Realme of Ireland, wherein such offences shalbe committed in any of the Courts, places of Iudicature, or liberties aforesaid, respectiuely, onely at the choyce of the parties, which shall or will commence Suite, or prosecute for the same, and not elsewhere: Saue oncly in the said Counties or places vsuall for those Counties, or any of them: And that like processe vpon euery popular Action, Bill, Plaint, Information, or Suite, to be commenced or sued, or prosecuted after the end of this present Session of Parliament, by force of, or according to the purport of this Act, be had and awarded, to all intents and purposes, as in an Action of Trespasse, Vi & Armis, at the Common Law; and that all and all manner of Informations, Actions, Bills, Plaints, and Suits whatsoeuer hereafter to be commenced, sued, prosecuted, or awarded, either by the Attourney Generall of his Maiestie, his Heires or Successors for the time being, or by any officer or officers whatsoeuer, for the time being, or by any common Informer, or other person whatsoeuer, (in any of his Maiesties Courts of Dublin) for or concerning any the offences, penalties, or forfeitures aforesaid, shall be voyde, and of none effect: any law, custome, or vsage to the contrary thereof notwithstanding.

And be it further enacted by the authority aforesaid, That in all Informations to be exhibited, & in all Bills, Counts, Plaints, and Declarations in any Action, or Suite, to be commenced against any person or persons, either by, or on the behalfe of the King, or any other, for, or concerning any offence committed, or to be committed against any Penall Statute, the offence shalbe layed & alleadged to haue been in the said Countie, where such offence was in truth committed, & not elsewhere. And if the Defendant to any such Information, Action, or Suite, pleadeth that he oweth nothing, or that he is not guilty, and the Plaintiffe, or Informer in such Information, Action, or Suite vpon euidence to the Iury that shall try such Issue, shall not both proue the offence layd in the said Information, Action, or Suite. And that the same offence was committed in that Countie, then the Defendant and Defendants shalbe found not guiltie.

And be it further enacted by the authority aforesaid, That no Officer or Minister, in any Court of Record, shall receiue, file, or enter of Record, any Information, Bill, or Plaint, Count or Declaration, grounded vpon the said penall Statutes, or any of them, which before by this Act are appointed to be heard and determined

termined in their proper Counties, vntill the Informer or Relator hath first taken a corporall oath before some of the Judges of that Court; that the offence or offences, layde in such Information, Action, Suite, or Plaint, was, or were, not committed in any other Countie, then where by the said Information, Bill, Plaint, Count, or Declaration, the same is, or are supposed to haue beene committed; and that he beleeueth in his conscience, the offence was committed within a yeare before the Information or Suit within the same Countie, where the said Information or Suite was commenced, the same oath to be there entred of Record.

And bee it also enacted by the authority aforesaid, that if any Information, Suit, or Action, shalbe brought or exhibited against any person or persons, for any offence committed, or to be committed against the forme of any penall Law, either by, or on the behalf of the King, or by any other. or on the behalfe of the King, and any other; it shalbe lawfull for such Defendants to pleade the Generall Issue, that they are not guilty, or that they owe nothing, & to giue such speciall matter in euidence to the Jury that shall try the same, which matter being pleaded, had been a good & sufficient matter in Law, to haue discharged the said Defendant or Defendants against the said Information, Suite, or Action: And the said matters shalbe then as auayleable to him or them, to all intents and purposes, as if he or they had sufficiently pleaded, set forth, or alleadged the same matter in Barre, or discharge of such Information, Suite, or Action.

Prouided alwayes, that this Act, or any clause contained therein, shall not extend to any Information, Suite, or Action, brought for maintenance, champertie, or buying of Titles, nor for or concerning, the concealing or defrauding the King, his Heires, or Successors, of any Custome, Tunnage, Poundage, Subsidie, Impost, or prisage, or for transporting of Gold, Siluer, Ordinance, Powder, Shot, Munition of all Sorts, Wooll, Wooll-fells, or Leather, nor to any Action, Bill, Plaint, or Information grounded vpon the Statute of 23. of King Henry the first, Capite 10. against any Sheriffe for not making yearely a Deputy in the Kings Courts of Chauncery, Chiefe place, Common place, and Exchequer, to receiue all manner of Writts and Warrants, to be deliuered them, as by that Statute is enacted and ordayned: But that such Action, Bill, Plaint, or Information, may be brought into any of the Kings Courts at Dublin; And that such offences may be layed, or alleadged to be in any Countie, at the pleasure of any Informer: any thing in this Act to the contrary notwithstanding.

CAP. XII.

CAP. XII.

¶ An Act for new Executions to be ſued againſt any which hereafter ſhalbe delivered, out of Execution, by priviledge of Parliament.

FOraſmuch as doubt hath beene made heretofore, if any perſon being arreſted in Execution, & by priuiledge of either of the houſes of Parliament ſet at liberty, whether the party at whoſe ſuite ſuch Execution was purſued, be for euer after barred and diſabled to ſue forth a new writ of Execution in that caſe.

For the avoyding of all further doubt & trouble, which in like caſes may hereafter enſue, Be it enacted by the Kings moſt excellent Maieſtie, by the Lords Spirituall & Temporall, and by the Commons, in this preſent Parliament aſſembled, That from henceforth the party, at or by whoſe ſuite, ſuch writ of Execution was purſued; his Executors or Adminiſtrators after ſuch time, as the priuiledge of that Seſſion of Parliament, in which ſuch priuiledge ſhalbe ſo granted ſhall ceaſe, may ſue forth and execute a new writ or writs of Execution, in ſuch manner & forme, as by the Lawes of this Realme he might haue done, if no ſuch former Execution had been taken forth, or ſerued: And that from henceforth no Sheriffe, Bayliffe, or other Officer, from whoſe arreſt or cuſtody, any ſuch perſon ſo arreſted in Execution, ſhalbe deliuered by any ſuch priuiledge, ſhalbe charged or chargeable, with, or by any Action whatſoeuer, for deliuering out of Execution, any ſuch priuiledged perſon ſo as is aforeſaid, by ſuch priuiledge of Parliament ſet at liberty: any Law, cuſtome, or priuiledge heretofore to the contrary notwithſtanding.

Prouided alwayes, That this Act, or any thing therein contayned, ſhall not extend to the diminiſhing of any puniſhment to be hereafter by cenſure in Parliament inflicted vpon any perſon, which hereafter ſhall make, or procure to be made, any ſuch arreſt, as is aforeſaid.

CAP. XIII.

¶ An Act for the following of Hue and Crye.

WHereas by two antient Statutes made in England, the one in the Parliament holden at Winchester, in the thirteenth yeare of the raigne of King Edward the firſt, & the other in the eight and twentieth yeare of King Edward the third, it was for the

termined in their proper Counties, vntill the Informer or Relator hath first taken a corporall oath before some of the Judges of that Court; that the offence or offences, layde in such Information, Action, Suite, or Plaint, was, or were, not committed in any other Countie, then where by the said Information, Bill, Plaint, Count, or Declaration, the same is, or are supposed to haue beene committed; and that he beleeueth in his conscience, the offence was committed within a yeare before the Information or Suit within the same Countie, where the said Information or Suite was commenced, the same oath to be there entred of Record.

And bee it also enacted by the authority aforesaid, that if any Information, Suit, or Action, shalbe brought or exhibited against any person or persons, for any offence committed, or to be committed against the forme of any penall Law, either by, or on the behalf of the King, or by any other, or on the behalfe of the King, and any other; it shalbe lawfull for such Defendants to pleade the Generall Issue, that they are not guilty, or that they owe nothing, & to giue such speciall matter in euidence to the Jury that shall try the same, which matter being pleaded, had been a good & sufficient matter in Law, to haue discharged the said Defendant or Defendants against the said Information, Suite, or Action: And the said matters shalbe then as auayleable to him or them, to all intents and purposes, as if he or they had sufficiently pleaded, set forth, or alleadged the same matter in Barre, or discharge of such Information, Suite, or Action.

Prouided alwayes, that this Act, or any clause contained therein, shall not extend to any Information, Suite, or Action, brought for maintenance, champertie, or buying of Titles, nor for or concerning, the concealing or defrauding the King, his Heires, or Successors, of any Custome, Tunnage, Poundage, Subsidie, Impost, or prisage, or for transporting of Gold, Siluer, Ordinance, Powder, Shot, Munition of all Sorts, Wooll, Wooll-fells, or Leather, nor to any Action, Bill, Plaint, or Information grounded vpon the Statute of 23. of King Henry the first, Capite 10. against any Sheriffe for not making yearely a Deputy in the Kings Courts of Chauncery, Chiefe place, Common place, and Exchequer, to receiue all manner of Writts and Warrants, to be deliuered them, as by that Statute is enacted and ordayned: But that such Action, Bill, Plaint, or Information, may be brought into any of the Kings Courts at Dublin; And that such offences may be layed, or alleadged to be in any Countie, at the pleasure of any Informer: any thing in this Act to the contrary notwithstanding.

CAP. XII.

CAP. XII.

¶ An Act for new Executions to be ſued againſt any which hereafter ſhalbe delivered, out of Execution, by priviledge of Parliament.

FOraſmuch as doubt hath beene made heretofore, if any perſon being arreſted in Execution, & by priuiledge of either of the houſes of Parliament ſet at liberty, whether the party at whoſe ſuite ſuch Execution was purſued, be for euer after barred and diſabled to ſue forth a new Writ of Execution in that caſe.

For the avoyding of all further doubt & trouble, which in like caſes may hereafter enſue, Be it enacted by the Kings moſt excellent Maieſtie, by the Lords Spirituall & Temporall, and by the Commons, in this preſent Parliament aſſembled, That from henceforth the party, at or by whoſe ſuite, ſuch Writ of Execution was purſued; his Executors or Adminiſtrators after ſuch time, as the priuiledge of that Seſſion of Parliament, in which ſuch priuiledge ſhalbe ſo granted ſhall ceaſe, may ſue forth and execute a new Writ or Writs of Execution, in ſuch manner & forme, as by the Lawes of this Realme he might haue done, if no ſuch former Execution had been taken forth, or ſerued: And that from henceforth no Sheriffe, Bayliffe, or other Officer, from whoſe arreſt or cuſtody, any ſuch perſon ſo arreſted in Execution, ſhalbe deliuered by any ſuch priuiledge, ſhalbe charged or chargeable, with, or by any Action whatſoeuer, for deliuering out of Execution, any ſuch priuiledged perſon ſo as is aforeſaid, by ſuch priuiledge of Parliament ſet at liberty: any Law, cuſtome, or priuiledge heretofore to the contrary notwithſtanding.

Prouided alwayes, That this Act, or any thing therein contayned, ſhall not extend to the diminiſhing of any puniſhment to be hereafter by cenſure in Parliament inflicted vpon any perſon, which hereafter ſhall make, or procure to be made, any ſuch arreſt, as is aforeſaid.

CAP. XIII.

¶ An Act for the following of Hue and Crye.

WHereas by two antient Statutes made in England, the one in the Parliament holden at Wincheſter, in the thirteenth yeare of the raigne of King Edward the firſt, & the other in the eight and twentieth yeare of King Edward the third, it was for the

the better repreſſing of Robberies and Felonies, (amongſt other things, enacted to this effect, that if the Countrey doe not anſwere for the bodies of ſuch Malefactors, that then the paine ſhould bee ſuch, that is, to wit, that the people dwelling in the Countrey, ſhall be anſwereable for the Robberies done, and the damages; ſo that the whole Hundred where the Robbery ſhalbe done, the Franchiſes which are within the precincts of the ſame Hundred, ſhall anſwere the Robberies done; and if the Robberie chance to be done in the diuiſion of two Hundreds, that then both the Hundreds together, with the Franchiſes within the precinct of them, ſhalbe anſwerable, as in the ſaid two ſeuerall Statutes, it doth more at large appeare.

Foraſmuch as the ſaid parts of the ſaid ſeuerall Statutes, being of late dayes more commonly put in Execution, then heretofore they haue beene, are found by experience to be very hard and extreame, to many of the Kings Maieſties good Subiects, becauſe by the ſame Statutes, they doe remaine charged with the penalties therein contained, notwithſtanding their vnability to ſatiſfie the ſame; and though they doe aſmuch as in reaſon might be required, in purſuing ſuch Malefactors and Offendors, whereby both large ſcope of negligence is giuen to the Inhabitants and Reſiants in other Hundreds and Countyes, not to proſecute the Hue and Cry, made, followed, and brought vnto them, by reaſon they are not chargeable for any portion of the goods robbed, nor with any damages in that behalfe giuen, & alſo great encouragement and emboldening, is likewiſe giuen vnto the Offendors, to commit daylie more Fellonies and Robberies, as ſeeing it in manner impoſſible for the Inhabitants and Reſiants of the ſaid Hundreds & Franchiſes, wherein the Robbery is committed, to apprehend them without the ayde of the other Hundred & Counties adioyning: and for that alſo the party robbed, hauing remedy by the aforeſaid Statutes, for the recouering of his goods robbed, & damages againſt the Inhabitants & Reſiants of the Hundred wherein the Robbery was committed, is many times negligent and careleſſe in proſecuting and purſuing the ſaid Malefactors and Offendors: Our Soueraigne Lord the Kings Maieſtie, not willing therefore that his people ſhould be impoueriſhed by any ſuch paine or penaltie, which ſhould be hard or grieuous to them, and hauing ſpeciall regard to abate the power of Fellons, and to repreſſe Fellonies, doth for remedy thereof, with the conſent of the Lords Spirituall and Temporall, and of all the Commons in this preſent Parliament aſſembled, and by the authority of the ſame Parliament, eſtabliſh & enact, that the Inhabitants & Reſiants of euery Hundred or Barony within the Franchiſes within the precinct thereof, wherein negligence, fault, or defect of purſuit, & freſh ſuite, after Hue & crye made, ſhall happen to bee from & after forty dayes next after the end of this preſent Parliament, ſhall anſwere

and

and ſatiſfie the one Moytie, or halfe of all and euery ſuch ſumme & ſummes of money & damages, as ſhall by force or vertue of the ſaid Statutes, or either of them, be recouered or had, againſt, or of the ſaid Hundred or Barony, with the Franchiſes therein, in which Robbery or Fellony ſhall at any time hereafter be committed or done. And that the ſame moytie ſhall & may be recouered by action of debt, bill, plaint, or information, in any of the Kings Maieſties Courts of Record, by and in the name of the Clerke of the Peace for the time being, of or in euery ſuch Countie within this Realme, where any ſuch Robbery & Recouery by the party or partyes robbed, ſhalbe without naming the Chriſtian name or ſirname of the ſaid Clerke of the peace, which moytie ſo recouered, ſhalbe to the onely vſe and behoofe of the Inhabitants of the ſaid Hundred or Barony, where any ſuch Robberie or Fellonie ſhalbe committed or done.

And bee it further enacted by the authority aforeſaid, that if any Clerke of the peace, of or in any County within this Realme, ſhall at any time hereafter commence or preferre any ſuch Suite, Action, or Information, and ſhall after the ſame, ſo ſued, commenced, or preferred, happen to dye, or to be remoued out of his Office, before recouery and execution had, that yet no ſuch Action, Suite, Bill, Plaint, or Information, ſued, commenced, or preferred, ſhall by ſuch diſplacing or death, be abated, diſcontinued, or ended: But that it ſhall and may be lawfull, to and for the Clerke of the peace next ſucceeding in the ſaid County, to proſecute, purſue, and follow all and euery ſuch action, bill, plaint, ſuit, and information, for the cauſes aforeſaid, ſo hanging and depending, in ſuch manner and forme, and to all intents & purpoſes, as that Clerk of Peace might haue done, which firſt commenced or preferred the ſaid Suit, Bill, Plaint, or Information. And although the whole Hundred or Barony, where ſuch Robberies and Felonies are committed with the Liberties within the precinct thereof, are by the ſaid two former Statutes, charged with the anſwering to the party robbed his damages, yet neuertheleſſe the recouery & execution, by and for the party and partyes robbed, is had againſt one, or a very few perſons of the ſaid Inhabitants, and he and they ſo charged, haue not heretofore by Law had any meanes or way to haue any contribution, of or from the reſidue of the ſaid Hundred or Barony, where the ſaid Robberie is committed, to the great impoueriſhment of them, againſt whom ſuch recouery or execution is had.

For remedy whereof, be it enacted by the authority aforeſaid, That after execution of the damages by the party or partyes ſo robbed, had, it ſhall & may be lawfull vpon complaint made by the party or partyes ſo charged, to and for two Juſtices of the peace, whereof one to be of the Quorum of the ſame County, inhabiting within the ſaid Hundred or Barony, or neere vnto the ſame, where any ſuch execution ſhalbe had, to aſſeſſe & taxe rateably & proportionably,

onably, according to their discretions, all & euery the townes, parishes, villages, & hamlets, aswell of the said Hundred or Barony, where any such robbery shalbe committed, as of the liberties within the said Hundred or barony, to & towards an equall contributiō to be had & made, for the relief of the said inhabitant or inhabitāts, against whom the party or partyes, robbed before that time, had his or their execution: & that after such taxation made, the Constable or Constables, headburzough or headburzoughs of euery such town, parish, village, & hamlet, shall by vertue of this present Act, haue full power & authority within their seuerall limits, ratably & proportionably to tax & assesse according to their abilities, euery inhabitant & dweller in euery such town, parish, village, & hamlet, for & towards the payment of such taxation & assessment, as shalbe so made vpon euery such town, parish, village, & hamlet, as aforesaid, by the said Justices. And that if any inhabitant of any such town, parish, village, or hamlet, shall obstinately refuse & deny to pay the said taxation & assessment, so by the said Constable, Constables, head-burzough or head-burzoughs, taxed and assessed, that then it shall & may be lawfull to, and for the said Constables, and head-burzoughs, and euery of them within their seuerall limits & iurisdictions, to distrain al & euery person & persons, so refusing & denying, by his & their goods & chattles, & the same distresse to sell, & the money thereof comming to retaine to the vse aforesaid. And if the goods or chattles so distrained & sold, shalbe of more value then the said taxation shall come vnto, that then the residue of the said money, ouer & aboue the said taxation, shalbe deliuered vnto the said person & persons so distrayned. And be it further enacted that all & euery of the said Constables and head-burzoughs, after that they haue within their seuerall limits & iurisdictions, levyed & collected the said rates & summes of money so taxed, shall within ten dayes after such collection, pay and deliuer the same ouer vnto the said Justices of Peace, or one of them, to the vse and behoofe of the said inhabitant or inhabitants, for whom such rate, taxation or assessment shalbe had or made, as aforesaid: which money so payed, shall by the Justices or Justice of peace so receiuing the same, be deliuered ouer vpō request made vnto the said inhabitant or inhabitants, to whose vse the same was collected.

And be it further enacted by authority aforesaid, That the like taxation, assessment, levying by distresse and payment, as aforesaid, shalbe had and done, within euery Hundred and Barony, where default or negligence of pursuit, and fresh suit, shalbe for and to the benefit of all and euery inhabitant & inhabitants of the same hundred or Barony, where such default shalbe, that shall at any time hereafter by vertue of this present Act, haue any damages, or money levyed of them for, or to the payment of the one moytie, or halfe of the money recouered against the said hundred or barony, where any Robbery shalbe hereafter committed.

Prouided

Prouided also, and be it further enacted by the authority aforesaid, that where any Robbery is, or shalbe hereafter committed by two, or a greater nũber of malefactors, & that it happen any of the said offendors to be apprehended by pursuit to be made, according to the said former mentioned Lawes & Statutes, or according to this present Act, that then and in such case, no Hundred, Barony, or Franchises, shall in any wise incurre or fall into the penalty, losse or forfeiture mentioned either in this present Act, or in the said former Statutes, although the residue of the said malefactors shall happen to escape, and not to be apprehended: any thing in this Statute, or in the said former Statutes to the contrary notwithstanding. Prouided also, that no persõ or persõs hereafter robbed, shall take any benefit by vertue of any the said former Statutes, to charge any Hundred or Barony, where any such Robbery shall be committed, except he or they so robbed, shall cõmence his or their Suit or Action within one yeare next, after such Robbery so to be committed.

And be it further enacted by the authority aforesaid, that no Hue or Cry, or pursuit hereafter to be made or done by the Country, or Inhabitants of any Hundred, or Barony, shalbe allowed and taken to be a lawfull Hue and Cry, or pursuit vpon, or after the said Fellons or Offenders, except the same Hue, and Cry, and pursuit, be done and made by horsemen and footmen: any vsage or custome to the contrary notwithstanding.

And be it further also enacted by the authority of this present Parliament, that no person or persons that shall hereafter happen to be robbed, shall haue or maintaine any action, or take any benefit by vertue of the said two mentioned statutes, or either of them, except the said person & persons so robbed, shall with asmuch conuenient speed as may be, giue notice & inteiligence of the said Felony or robbery so committed vnto some of the inhabitants of some town, village, or hamlet, neere vnto the place where any such robbery shalbe committed, nor shall bring or haue any action vpon, or by vertue of any the statutes aforesaid, except he or they shal first within 20 dayes next before such action to be brought, be examined vpon his or their corporall oath to be taken before some one Justice of the peace of the County, where the robbery was committed, inhabiting within the said Hundred, or Barony where the robbery was committed, or neere vnto the same, whether he or they doe know the parties that committed the said robbery, or any of them. And if vpon such examination it be confessed, that he or they doe know the party, that committed the said robbery, or any of them, that then he or they so confessing, shall before the said action bee commenced, or brought, enter into sufficient bond by Recognizance before the said Justice, before whom the said examination is had, effectually to prosecute the said person & persons so known to haue cõmitted the said robbery by indictmẽt, or otherwise, according to the due course of the Lawes of this Realme,

CAP. XIV.

An Act concerning Errors in Records of Attaindor of high Treaſon and Fellony.

FOraſmuch as through corruptiõ, or negligent keeping the Recoꝛds, of Attaindoꝛs, of Treaſon, Murder, and Fellony, happen many times to be impaired, blemiſhed, or otherwiſe to be defectiue: Be it ordained & enacted by the authority of this preſent Parliament, that no Recoꝛd of Attaindoꝛ, that now is, of any perſon or perſons, of or for any high treaſon, murder, or fellonie, where the party ſo attainted is, or hath beene executed for the ſame treaſon, murder, or fellony, ſhall by the heire or heires of any ſuch perſon, or by any other whatſoeuer, clayming in, from, by, or vnder, any ſuch heire or heires, be in any wiſe hereafter reuerſed, vndone, avoyded, or impeached by any plea, or for any erroꝛ whatſoeuer.

Prouided alwayes neuertheleſſe, that this Act, nor any thing therein contained, ſhal in any wiſe extend to any Recoꝛd of Attaindoꝛ, of or for any treaſon, murder, or fellony, vpon which any Writ of Erroꝛ is now depending: which Recoꝛd is already reuerſed, repealed, or vndone, by, or for any erroꝛ, matter, plea, or cauſe whatſoeuer, but that the ſame ſhal be and remaine, as vnto, and againſt that party, at whoſe ſuit the ſame Writ of Erroꝛ is depending, or at whoſe purſuit the ſame Recoꝛd hath beene reuerſed, repealed, or vndone, & his, her, or their heires & aſſignes only, as if this Act had neuer bin had or made: any thing in this Act to the contrary thereof notwithſtanding.

CAP. XV.

An Act againſt ploughing by the Tayle, and pulling the Wooll off liuing Sheepe.

WHereas in many places of this Kingdome, there hath bin a long time vſed a barbarous cuſtome of ploughing, harrowing, drawing, & working with horſes, mares, geldings, garrons, & colts, by the taile, whereby beſides the cruelty vſed to the beaſts, the breed of horſes is much impaired in this Kingdome, to the great preiudice thereof. And whereas alſo diuers haue, and yet doe vſe the like barbarous cuſtome of pulling off the Wooll yearly from liuing Sheep, in ſteed of clipping or ſhearing of them: Bee it therfore enacted by the Kings moſt excellent Maieſty, & the Lords Spirituall and Temporall, and the Cõmons in this preſent Parlent Parliament aſſembled, that no perſon or perſons whatſoeuer, ſhall after one yeare next enſuing the end of this preſent Parliament, plough, harrow, draw, or worke, with any horſe, gelding, mare, Garron, or colt, by the tayle; nor ſhall cauſe, procure, or ſuffer any other to plough vp or harrow his ground, or to draw any other cariages with his horſes, mares, geldings, garrãces, or colts,

or

or any of them, by the taile: and that no person or persons whatsoeuer, shal after the end of this present Parliament, pull the wooll off any liuing sheep, or cause or procure to be pulled, in steed of shearing or clipping of them: and if any shall doe contrary to this Act, and the intention thereof, that the Justices of Assise at the generall Assizes to be holden before them and the Justices of Peace at their Quarter-Sessions, shall haue power by this Act, to enquire of, heare and determine all and euery offence and offences done, contrary to this present Act, and to punish the offendors, which shall doe contrary to the same, by fine and imprisonment, as they, in their discretion shall thinke fit.

CAP. XVI.

An Act for the suppressing of Cosherers, & idle Wanderers.

WHeras there are many yong gentlemen of this Kingdome, that haue litle or nothing to liue on of their own, and will not apply themselues to labour, or other honest industrious courses to support themselues, but doe liue idly, & inordinatly, cosbering vpon the countrey, & telling themselues, their followers, their horses, & their grey-hounds, vpon the poore inhabitants, somtimes exacting money from them, to spare them & their tenants, and to goe elswhere to their Eaught and Adraugh (viz.) Supper and Breakfast, and sometimes crauing helpes from them, all which the poore people dare not deny them, somtimes for shame, but most cõmonly for feare of mischiefe to be done or procured them so refusing; and therfore doe beare it, although vnwillingly, and manytimes when they are scarce able so to doe, and yet dare not complain for feare of the inconueniences aforesaid, and to thatend doe make cuts, levies and plotments vpon themselues to pay them, and giue such intertainment and helps, to the vtter impouerishing and disabling of the poore inhabitants, to pay their duties to the Kings Maiesty, and their rents vnto their Land-Lords; and by that lawlesse kinde of life, of these idle gentlemen, and others, being cõmonly active yongmen, and such as seek to haue many followers, and dependants vpon thẽ, many other inconueniences are likely to arise, for they are apt vpon the least occasion of disturbance, or insurrection, to ryfle and make booty of his Maiesties loyall Subiects, and to be heads and leaders of out-lawes, and rebels, and in the mean time doe and must somtimes support their excessiue, and expenceful drinking and gaming, by secret stealths, or growing into debts, oftentimes filch and stand vpon their keeping, and are not amesuable to law.

For preuention of which inconueniences, Bee it enacted by the Kings most excellent Maiesty, his Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by the authority of the same, that if any person or persons, after the feast of Easter, which shalbe in the yeare of our Lord God 1635.

that hath not meanes, & ability of his own, or sufficient meanes of support from his parents & kindred, that shall walk up & down the country, with their fosterers, or kinred, & retinue with one or more greyhound or greyhounds, or otherwise; or that shall cosher, lodge, or cesse thẽselues, their followers, their horses, or their greyhounds vpon the inhabitants of the Countrey, or shall directly, or indirectly, exact meat, or drinke, or money, from them, or shall craue any helpes in such sort, as the poore people dare not deny the same, for feare of some scandalous Ryme, or Song, to be made vpon him, or some worse inconueniencie to be done him; that it shall be lawfull for euery Justice of peace, of each County, within the Realme of Ireland, and for the Justices of Assise in their seuerall Circuites, to apprehend, or cause to apprehend, all such person or persons, and him, or them, to binde to their loyaltie, and allegeance, or allegeances, or to the good behauior, as in discretiõ of such Justices, shall seeme meet; & to commit the said persons to the common Gaole of the said Countie, vntill he, or they shal find bonds by recognizance, as aforesaid, with very good sureties; which Justice of the peace, shall returne all, and euery such bonds, or recognizances, so by him to be taken, at the next generall sessions of the peace, for the said County, where the same shalbe taken. And all Sheriffs, Bayliffs, Constables, Prouosts, Marshals, and other his Maiesties loyall Subiects, are required to be ayding, assisting, & helpfull, to euery Justice of peace, and Justices of Assise, in the apprehending of the said Cosherers, & wandring Idlers, when they shalbe thereunto required, vpon paine of such fine, or fines, to be set vpon them, for their neglect, as vpon conviction, before the Justices of the peace, at their generall sessions of the peace, or before the Justices of Assise, at their discretion, shalbe set vpon them for their said default.

CAP. XVII.

An Act to prevent the unprofitable custome of burning of Corne in the Straw.

WHereas there is in the remote parts of this Kingdome of Ireland, cõmonly a great dearth of Cattell yearely, which for the most part happeneth, by reason of the ill husbandry, & improuident care of the owners, that neither prouide fodder, nor stouer for them in winter, nor houses to put them in, in extremity of stormy cold weather, but a naturall, lazie disposition, possessing them, that will not build Barnes, to house and thresh their Corne in, or houses to keep their Cattell, from the violence of such weather, but the better to enable them to be flitting from their lands, & to deceiue his Maiesty of such debts as they may be owing at any time, & their land-lords of their rents, doe for a great part, in stead of threshing, burne their Corne in the straw, thereby consuming the straw, which might relieue their Cattell in winter, and afford materialls

materials, towards the couering, or thatching their houſes, and ſpoyling the Corne, making it black, loathſome, and filthy.

For prevention of which vnprofitable, and vnciuill cuſtomes, Bee it enacted by the Kings moſt excellent Maieſtie, his Lords Spirituall, and Temporall, and the Commons in this preſent Parliament aſſembled, & by authority of the ſame, that no manner of perſon or perſons whatſoeuer, after ſixe moneths next, after the end of this Seſſion of Parliament, doe, or ſhall by himſelfe, wife, children, or ſeruants, tenants, or any of them, burne, or cauſe to be burned, any Corne, or Graine, in the ſtraw, of what kinde ſoeuer, vpon paine of impriſonment, in the Common Gaole of the County, wherein the offence ſhalbe committed, for the ſpace of ten dayes, without baile, or mainprize, for the firſt offence, and the delinquent to pay the charge of finding him, or them, to the Gaole, as aforeſaid, before he, or they, be thence enlarged: & for the ſecond offence, to be impriſoned by the ſpace of one whole moneth, without baile or mainprize, and to pay the charges, as aforeſaid: and for the third offence, to forfeit 40 l. & to be bound vnto the good behauior, & to pay the charges, as aforeſaid, the ſaid 40 l. to be payde towards the reliefe of the priſoners in the ſaid Gaole, & to be payde vnto the hands of the Mayor, or chiefe Magiſtrate of the place, where ſuch Gaole is, or ſhalbe, before the offender be diſcharged, and at his diſcretion to be diſtributed. And that it ſhall & may be lawfull, to & for the Juſtices of the peace of the County, where ſuch offences ſhalbe committed in their Seſſions of the peace, to enquire, heare, and determine, of all and euery the offences, done, & committed, againſt the true meaning of this Act, and at all times, out of the Seſſions, aſwell by oath, as all other lawfull meanes, to try, and finde out, the truth of the ſaid offences, and to commit the offender and offenders, according to the true meaning of this Act. Prouided, that in regard, it many times falleth out, that in regard of the late ſowing, & the coldnes of the Climate, the Corne is long, and late, before it ripeneth. That it may be lawfull for the Owner, or Owners, of aſmuch Corne of any kind, as ſhalbe ſowed after one plough, yearely, for the ſpace of two yeares, after the making of this Act, and no longer for his, and their preſent reliefe, amongſt them, to burne ſix Bartes of Corne, (accompting twenty ordinary ſheaues to the Barte) and no more: and that no Corne be burnt in the ſtraw, contrary to the true meaning of this Act, after the twentieth day of October, during the ſaid two yeares.

CAP. XVIII.

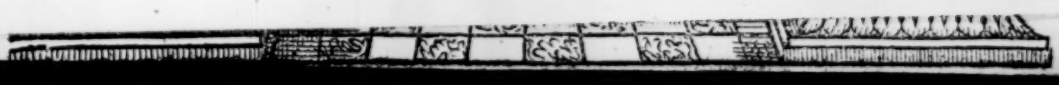
CAP. XVIII.

An Act restrayning the abusive taking and distrayning for Herriots.

FOrasmuch as the Common people of this Land are much impouerished, & oppressed by sundry persons, pretending Herriots to be due vnto them, vpon the death of euery Leassee, or Tenant, in cases, whereas by the Lawes of this Realme, no Herriot is due vnto them.

For reformation whereof, Be it enacted by our Soueraigne Lord the King, and by the assent of his Lords Spirituall, & Temporall, and the Commons in this present Parliament assembled, and by the authority of the same, that if any person or persons, after the end of this present Session of Parliament, shall take, lebie, seise vpon, or distraine, any Cattell, or other goods whatsoeuer, vpon pretence of a Herriot, whereas by the Lawes of this Realme, no Herriot is due; that in all such cases, all and euery such person & persons, so taking, levying, seising vpon, or distrayning, any cattel, or other goods, shall forfeite, and loose, Forty shillings sterling for each time so taking, levying, seising vpon, or distrayning, any cattell, or other goods, and ouer that, restore vnto the party grieued, the cattell, or other goods, so taken, and render him treble damages, in any suite, to bee brought by him, in any of his Maiesties Courts, for the same, by bill, or plaint: And the one moytie of the said forfeitures, to be to the party grieued, or such other as will sue for the same, in any of his Maiesties Courts, by bill, or plaint; and the other moytie, to his Maiestie, his Heires, and Successors, wherein no protection, essoyne, or wager of Law, shalbe admitted, or allowed.

Prouided alwayes, that this present Act, or any thing therein contayned, doe not extend to any person or persons, in case where a Herriot is agreed vpon, betwixt any Leassor, or Leassee, and specially reserued by writing: Neither doe extend to very Lord, and very Tenant, where a Herriot, Seruice, or a Herriot custome hath heretofore beene accustomably payed, or due by the Law.

FINIS.

CAMBRIDGE UNIVERSITY LIBRARY 1885 BRADSHAW COLL.